

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

APPEAL NO. 04/2026/EZ

IN THE MATTER OF:

Munidei Majhi and 3 Ors.

...Applicants

Versus

The Ministry of Environment, Forest and

Climate Change & 3 Ors.

....Respondents

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Place: Kolkata

Dated: nd23 March, 2026

Respondent No. 1

Through

Anamika Pandey
Advocate

X

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IN THE MATTER OF:

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**BEFORE THE NOTARY PUBLIC
AT BISHANNAGAR
DIST-NORTH 24 PARGANAS**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, MINISTRY OF
ENVIRONMENT, FORESTS AND CLIMATE CHANGE (MOEF&CC).**

MOST RESPECTFULLY SHOWETH:

I, Shri Sujoy Dutta, S/o Shri Samir Dutta, aged about 45 years, working as Assistant Commissioner (Forestry) at the Sub office Kolkata of Bhubaneswar Regional Office under the Ministry of Environment, Forest & Climate Change, having its office at IB – 198, Sector- III, Salt Lake City, Kolkata - 700 106 do hereby solemnly affirm and state on oath as under: -

1. That I am the Respondent No. 1 in the above-mentioned Original Application and am well acquainted with the facts of the case based on official records. I am competent and duly authorised to swear this affidavit.
2. That the averments made in the Original Application, insofar as they relate to Respondent No. 1, are denied except those which are specifically admitted herein.
3. That the present affidavit is being filed on behalf of Respondent No.1 – Ministry of Environment, Forest and Climate Change (MoEF&CC) in response to the appeal filed by the appellants challenging the Stage-I (In-Principle) approval dated 05.01.2026 granted under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 4.911 ha of forest land for construction of an access road from Sijimali Bauxite Mines (Hill Top) to SH-44 in Rayagada District, Odisha.
4. That the impugned approval was granted after due examination of the proposal submitted by the Government of Odisha through the PARIVESH portal, in accordance with the provisions of the Forest

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(Conservation) Act, 1980, rules made thereunder, and the applicable guidelines.

5. That the appellants have alleged that the proposal for diversion of forest land for construction of the access road ought not to have been considered separately and that the same should have been treated as part of the mining project.

STATEMENT OF FACTS:

6. That it is submitted that the proposal for diversion of 4.911 hectares of forest land for construction of an access road from Sijimali Bauxite Mines (Hill Top) to SH-44 was submitted by the State Government of Odisha through the PARIVESH portal under Online Proposal No. FP/OR/OTHERS/523366/2025, with Odisha Industrial Infrastructure Development Corporation (IDCO) as the user agency.

7. That the proposal was examined by the Ministry based on the records and recommendations forwarded by the State Government, including compliance submitted in response to the queries raised by the Ministry through the PARIVESH portal.

8. That the proposal was considered by the Advisory Committee (AC) in its meeting dated 30.07.2025. After detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhubaneswar and Nodal Officer, Government of Odisha, the Committee deferred the proposal with the following observation:

The proposed road is primarily designed to support the movement of heavy vehicles for the mineral evacuation from the Sijimali Bauxite 98 11-91/2012FC I/126445/2025 Mine. Therefore, the proposal for road construction can only be considered once the proposal for the diversion of forest land for the said mining lease is approved. The State government shall therefore submit the proposal after obtaining the in-principle approval for the diversion of forest land in the Sijimali Bauxite Mine.

9. That the proposal was returned to the State Government online on 07.08.2025 through the PARIVESH portal with the observation that the State government shall therefore submit the proposal after obtaining the in-principle approval for the diversion of forest land in the Sijimali Bauxite Mine.

10. That the Advisory Committee in its meeting dated 2.12.2025, after due diligence, has recommended the proposal of Sijimali Bauxite Mine for "Stage-I/ In-principle" approval subject to conditions.

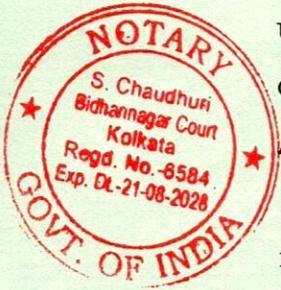


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11. That thereafter, the State Government through the office of the Principal Chief Conservator of Forests & HoFF, Odisha again submitted the road proposal with the reply vide letter dated 17.12.2025, stating that the Advisory Committee in its meeting held on 02.12.2025 had already recommended the Stage-I (in-principle) approval for diversion of 708.204 ha of forest land for the Sijimali Bauxite Mine.(A copy of the compliance communication is annexed herewith as **Annexure R-1.**)

12. That, subsequently, based on the recommendation of the Advisory Committee and as per the approval of the competent authority, the Ministry conveyed Stage-I (In-Principle) approval on 31.12.2025 for diversion of 708.204 hectares of forest land (564.581 ha in Rayagada Forest Division and 143.623 ha in Kalahandi (South) Forest Division) for the Sijimali Bauxite Mining Project in favour of M/s Vedanta Limited, subject to fulfilment of stipulated conditions under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. (A copy of the said approval is annexed herewith and marked as **Annexure R-2.**)



13. That the State Government therefore clarified that since the mining proposal had already obtained Stage-I approval dated 31.12.2025, the proposal for diversion of forest land for construction of the access road could now be considered further in accordance with the statutory procedure.

14. It is humbly submitted that the Regional Office of the Ministry proceeded to process the proposal for diversion of 4.911 hectares of forest land for the access road, and accordingly, the Ministry granted Stage-I (in-principle) approval dated 05.01.2026 for diversion of 4.911 ha of forest land for construction of the said access road, subject to strict conditions including compensatory afforestation, payment of Net Present Value (NPV), soil conservation measures, and mandatory compliance with the Forest Rights Act, 2006 prior to Stage-II clearance. A copy of the said approval is annexed herewith and marked as **Annexure R-3.**

15. It is humbly submitted that the Advisory Committee considered both proposals viz., the road project and the mining project, in a comprehensive manner. After due diligence, in-principle approval for the mining proposal was granted by the Central Government on 31.12.2025, followed by Stage-I approval for the road project on 05.02.2026. This approach reflects that the Advisory Committee examined the matter holistically, with due diligence, to avoid any fait accompli situation. **23 MAR 2026**

16. That it is further submitted that the grant of Stage-I approval dated 05.01.2026 does not permit commencement of any activity on the forest land unless the user agency fulfils the stipulated conditions and obtains working permission from the State Government, thereby ensuring that statutory safeguards relating to forest conservation, compensatory afforestation and compliance with the Forest Rights Act, 2006 are fully complied with prior to diversion of forest land.

17. That therefore the allegation of the appellants that the Ministry has granted approval without due consideration or in violation of law is incorrect and denied. The proposal was processed strictly in accordance with the statutory procedure and after receipt of recommendations from the State Government.

18. It is also pertinent to mention that the Hon'ble NGT in its order dated 7.11.2012 in Appeal No. 7 of 2012 in the matter of Shri Vimal Bhai and other vs Union of India and other inter-alia observed as under:

19. Cumulative reading of Section 2 (A) of the FC Act and 16(e) of the NGT Act, leads to an irresistible conclusion that under the said Sections an Appeal is provided for only against an order passed by the State Government or other authorities. In other words, the Legislature in its wisdom has kept the order of approval/clearance passed by the Central Government under FC Act beyond the scope of appeal.

20. In view of the discussions made above and reasons assigned we come to the conclusion that the order dated 08th November, 2011 (Annexure A/1), according Stage - I Forest Clearance cannot be assailed by filing an Appeal at this stage and as such the present Appeal is premature and has to be dismissed. Liberty is however granted to the Appellants to prefer an Appeal as and when the State Government passes the final order, permitting the Project Proponent to use the Forest land for nonforest purpose, if they feel aggrieved. In the event such an Appeal is filed, it would be open for the said Appellants to raise all the points which have been raised in the present Appeal and also other points which would be available to them in law and also bring to the notice the infirmities/omissions and commissions committed by the MoEF (Central Government) while granting Stage - I and Stage - II forest clearances.

Therefore, the instant appeal challenging the Stage I Approval of the Central Government is premature, not maintainable and liable to be

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quashed in light of the aforesaid order of the Hon'ble NGT. (True copy of the order dated 07.11.2012 of the Hon'ble NGT is annexed herewith and marked as Annexure R-4.)

That the Answering Respondent craves leave to file additional documents or information, if necessary, *pendente lite*.



Sujoy Dutta
DEPONENT

VERIFICATION

I, the Deponent above named, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge and belief derived from official records, and that nothing material has been concealed therefrom.

Verified at Kolkata on this rd23 day of March, 2026.

Sujoy Dutta
DEPONENT

SC
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/06
Bidhannagar Court
Dist.-North 24 Pgs

23 MAR 2026



Annexure - R1

STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023

E-mail:- nodal.pccfodisha@gmail.com

No. 25316 /9F (Others) – 343/2025

Dated, Bhubaneswar the 17th December' 2025

From

Dr. K. Murugesan, IFS
Additional Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Deputy Director General of Forests (Central)
Government of India, Ministry of Environment, Forest & Climate Change
Regional Office, A/3, Chandrasekharpur
Bhubaneswar-751023

Sub: Proposal for diversion of 4.911 ha of forest land for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Division applied by IDCO – Compliance to online query of GoI dated 07.08.2025 regarding.

Ref:- Online EDS dated 07.08.2025 of Govt. of India, MoEF & CC.

Sir,

In inviting a reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change has raised Online EDS dated 07.08.2025 in Parivesh 2.0 Portal for necessary compliance in respect of diversion of 4.911 ha of forest land for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Division applied by IDCO. The compliance based on the report of DFO Rayagada is as follows:-

Online EDS:- The proposed road is primarily designed to support the movement of heavy vehicles for the mineral evacuation from the Sijimali Bauxite Mine. Therefore, the proposal for road construction can only be considered once the proposal for the diversion of forest land for the said mining lease is approved. The State Government shall therefore submit the proposal after obtaining the in-principle approval for the diversion of forest land in the Sijimali Bauxite Mine.

Compliance:- In compliance to the above, the DFO, Rayagada Forest Division has reported that the Advisory Committee in its 12th meeting held on 02.12.2025 has **“recommended the Stage-I/in-principle”** approval for diversion of **708.204 ha** of forest land [564.581 ha in

Rayagada Forest Division and 143.623 ha in Kalahandi (South) Forest Division] including 11.195 ha earmarked for the Safety Zone within total Mining Lease area of 1548.786 ha of the **Sijimali Bauxite Mines**, falling under Rayagada Forest Division and Kalahandi (South) Forest Division in Rayagada and Kalahandi Districts respectively in favour of M/s Vedanta Limited. The copy of the minutes of the 12th -Advisory Committee meeting is enclosed herewith as **Annexure-A** for kind reference.

In view of the above, the compliance to the online EDS dated 07.08.2025 of the Govt. of India, MoEF & CC is sent herewith for favour of kind consideration and further course of action in respect of proposal for diversion of 4.911 ha of forest land for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Division applied by IDCO.

Encl: Annexure as above

Yours faithfully

Additional Principal Chief Conservator of Forests
(Forest Division and Nodal Officer, FC Act)

Memo No.

25317

/Dt.

17-12-2025

Copy alongwith its compliance forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for information and necessary action with reference to online EDS dated 07.08.2025 of Govt. of India, MoEF & CC (FC Division), New Delhi.

Encl: Annexure as above

Chief Conservator of Forests (Nodal)

Memo No.

25318

/Dt.

17-12-2025

Copy forwarded to the RCCF, Koraput Circle for information and necessary action with reference to Memo No. 6861 dated 15.12.2025 of DFO, Rayagada Forest Division.

Chief Conservator of Forests (Nodal)

Memo No.

25319

/Dt.

17-12-2025

Copy forwarded to the DFO, Rayagada Forest Division for information and necessary action with reference to his Memo No. 6860 dated 15.12.2025.

Chief Conservator of Forests (Nodal)

Memo No.

25320

/Dt.

17-12-2025

Copy forwarded to the Project Head, Sijimali Bauxite Mine, M/s Vedanta Limited, 5th Floor, Module C/2, Fortune Towers, Chandrasekharapur, Bhubaneswar-751023 for information and necessary action with reference to online EDS dated 07.08.2025 of Govt. of India, MoEF & CC (FC Division), New Delhi.

Chief Conservator of Forests (Nodal)

Memo No.

25321

/Dt.

17-12-2025

Copy forwarded to the Consultant (Env), IDCO, IDCO Tower, Janpath, Bhubaneswar for information and necessary action with reference to online EDS dated 07.08.2025 of Govt. of India, MoEF & CC (FC Division), New Delhi and Memo No. 6862 dated 15.12.2025 of DFO, Rayagada Forest Division.

EDS Raised	Reply to EDS
<p>The proposed road is primarily designed to support the movement of heavy vehicles for the mineral evacuation from the Sijimali Bauxite Mine. Therefore, the proposal for road construction can only be considered once the proposal for the diversion of forest land for the said mining lease is approved. The State government shall therefore submit the proposal after obtaining the in-principle approval for the diversion of forest land in the Sijimali Bauxite Mine.</p>	<p>It is noted that the in-principle approval for the diversion of forest land for the Sijimali Bauxite Mine has already been granted, as per the Minutes of Meeting published on 12.12.2025 (attached). In view of this, the proposal for the construction of the said road may now be considered for Stage-1 forest clearance approval, subject to compliance with all applicable norms and conditions.</p>

12/14/25
Consultant Environment
IDCO, Bhubaneswar

- ii. The site-specific Wildlife and Biodiversity Management Plan, duly approved by the Chief Wildlife Warden, shall be implemented at the cost of the User Agency.
- iii. As per DSS analysis, out of 143.968 ha non forest land within the project area, 18.25 ha was found within forest boundary. The state has clarified that the overlap reflected in DSS arises solely from boundary-layer generalisation at map-scale and does not represent any additional forest land requiring inclusion. In this regard the State shall take up the matter with FSI for the correction of digital boundaries.
- iv. The State Government shall ensure that the land-use plan indicated in the proposal remains unchanged. A copy of the document or approval issued by the competent authority, confirming a land-use plan consistent with that submitted in the proposal, shall be furnished along with the compliance report.
- v. The State Government shall ensure that muck is disposed of, only at designated sites located in non-forest areas. The State Government shall adopt controlled blasting mitigation measures and ensure that no blasting materials are stored within forest areas.
- vi. The Catchment Area Treatment Plan, duly approved by the PCCF/competent authority shall be implemented at the project cost.

Agenda No. 38

Proposal No. FP/OR/MIN/QRY/470250/2024

Sub: Proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 708.204 ha (564.581 ha in Rayagada Forest Division + 143.623 ha in Kalahandi (South) Forest Division) of Forest land (including 11.195 ha earmarked for Safety Zone) within total Mining Lease land in 1548.786 ha of Sijimali Bauxite Mines in Rayagada Forest Division & Kalahandi (South) Forest Division under Rayagada and Kalahandi District respectively in respect of M/s Vedanta Limited (Online Proposal No. FP/OR/MIN/QRY/470250/2024)-reg.

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 02.12.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Bhubaneswar and APCCF and CCF in the office of Nodal Officer (FCA), Government of Odisha attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained to the Advisory Committee. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. The Government of Odisha vide their letter No. FE-DIV-FLD-0017-2025-8268/FE&CC dated 08.04.2025 submitted the above subject proposal through PARIVESH 2.0 portal and uploaded on 09.04.2025 seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. Vedanta Limited has been allocated the Sijimali Bauxite mine spread over Kalahandi and Rayagada districts of Odisha in March 2023, having an estimated reserve of around 311 Million Tonnes for meeting the increased requirement of raw material, Vedanta intends to operate Sijimali block for dispatching Bauxite from mines to its Refinery.
- iii. An e-Auction process was conducted in accordance with the tender document for the Sijimali Mineral Block and Vedanta Limited was declared as the "Preferred Bidder" under Rule 9(9)(1) or Rule 10(1A) of Auction Rules dated 09.02.2023. Accordingly, pursuant to Rule 10(2) of the Auction Rules and the terms of the tender document of steel & Mines Department, Government of Odisha, issued Letter of Intent for grant of mine lease for Sijimali Bauxite Block over 1549.022 ha (Geo referenced DGPS Area 1549.022 ha, ROR Authenticated area-1548.786 ha) vide letter No SM-MC2-MC-0006-2023/2103/5&M, Bhubaneswar, dated 01 03 2023.
- iv. M/s Vedanta Ltd has the proposal to operate the Sijimali Bauxite Mine with peak Proposed Bauxite Production Capacity of 9.00 Million TPA. The block is located in 18 villages under Thuamul Rampur Tehsil of Kalahandi district and under Kashipur Tahsil of Rayagada district in the State of Odisha.
- v. As M/s Vedanta Limited has an existing alumina refinery plant at Lanjigarh of Kalahandi district of Odisha which very soon will be operated at granted EC capacity of 6.0 Million TPA, due to which the total bauxite requirement will be 18.0 Million TPA at a ratio of 3:1 to meet the partial requirement of the bauxite, Vedanta Ltd is proposing the Sijimali Bauxite Mine with 9.0 Million TPA Capacity, 3. Million TPA from OMC Kodingamali Mine through long term linkage and remaining 60 Million TPA from import.
- vi. The area under consideration is well connected by rail and road to all important business and industrial centres of the country. Nearest Railway station is Sikarpai Railway station at a distance of 20 km in SE direction. The Nearest Port and International Airport are at Visakhapatnam at a distance of 194 Km in SSE direction, Distance of SH-44 from the lease area is 1.5 km in West direction from the project site.
- vii. The Sijimali Bauxite Block has been explored in different phases with 91 bore holes with a total meterage of 2241.61m The boreholes have been drilled at an interval of about 400m grid pattern within the mineralized land in 12.38 sq. km The bore hole density is about 07 (735) BHs/Sq Km.
- viii. The entire geological block land in 1549.022 Ha (As per DGPS) will be brought under mining and allied activities to excavate bauxite. The cross-sectional method has been adopted for estimation of resources of bauxite in the approved mining plan 15 sets of vertical cross sections namely AA',

BB', CC' etc in 1:10000 scale have been prepared in E-W direction taking into account 87 boreholes located along the section lines and a few holes adjacent to the section lines are projected. In order to estimate the mineable reserve, development sections were drawn through the block. The non-mineable bauxite portions considered for estimation of mineable reserve from geological resource are as follows. (a) bauxite occurring within 7.5 m along the lease boundary for the purpose of safety zone (b) Blocked bauxite under and outside the ultimate pit slope Production of maximum 9267402 79 TPA bauxite has been planned in the approved mining plan.

- ix. Mining operations will be carried out by a fully mechanized opencast method. The extractable bauxite reserve of 299.58 Million tonnes is proposed to be excavated in 31 years. Life of mine is considered as 31 years with two years of construction period including surface reorganization.
- x. The total ML area of the Sijimali Bauxite Block is 1548.786 ha. In the applied mining lease area, forest land involved is 708.204 Ha. Non-forest land involved in the Mining Lease is 840.582 ha out of which non-forest private land is 129.089 ha and non-forest Govt. land is 711.493 ha.
- xi. The State Govt. has reiterated / clarified that 0.66 ha of land in village Tadader and 1.57 ha of land in village Tijamali (both under Thuamul Rampur Tahasil of Kalahandi District) have been included in the Forest Diversion Proposal as FRA land. The kisam of the above mentioned land (0.66 ha in Tadader village and 1.57 ha in Tijamali village) are of "Unsurveyed Category" in the Sabik record and 'Donger' in the Hal record over which Title under FRA have been issued to individuals by the Collector, Kalahandi. In this context he has informed that, 0.66 ha of land in village Tadades and 1.57 ha in village Tijamali have been included in the Forest Diversion Proposal as FRA land as reported by the DFO, Kalahandi (South) Forest Division.
- xii. As per the SIR of DFO, Kalahandi (South), it is revealed that the forest land proposed for diversion is located over 11 patches spreading over 04 no of villages. The Tahasildar Rampur has furnished the land schedule as on 25.10.1980 regarding forest and non-forest land involved in the ML coming under Kalahandi district as well as in Kalahandi (South) forest Division, DFO, Kalahandi (South) has furnished a certificate regarding minimum use of forest land over 143.623 ha.
- xiii. The total district wise forest and non-forest land involved in the Mining Lease is tabulated below:

ABSTRACT OF TOTAL LAND of SIJIMALI BAUXITE MINES									
Sl · No.	District Name	Area in Hectares							
		Revenue Forest	PF/FRA Forest	Sabik Forest	DLC Forest	Total Forest	Pvt. land	Non- Forest Govt. land	Total

1	Kalahandi	12.408	65.512	3.699	62.004	143.623	28.531	565.138	737.292
2	Rayagada	0.000	0.000	6.236	558.345	564.581	100.558	146.355	811.494
Total area in Ha		12.408	65.512	9.935	620.349	708.204	129.089	711.493	1548.786

xiv. The details of Existing Land Use of total lease area in Ha are as mentioned below:

EXISTING LAND USE OF SIJIMALI BAUXITE MINES										
SI. No.	District Name	Item	All figures are in Hectares							
			Revenue Forest	PF/FRA Forest	Sabik Forest	DLC Forest	Total Forest	Pvt. land	Non-Forest Govt. land	Total
1	Kalahandi	Existing Undisturbed area	12.408	65.512	3.699	62.004	143.623	28.531	565.138	737.292
2	Rayagada	Existing Undisturbed area	0.000	0.000	6.236	558.345	564.581	100.558	146.355	811.494
Total in Ha			12.408	65.512	9.935	620.349	708.204	129.089	711.493	1548.786

xv. Component wise break up of forest land proposed for diversion in the Sigimali Mining Lease has been mentioned in the SIR of DFO, Rayagada and SIR of DFO, Kalahandi (South) The detailed pattern of use of Forest land is tabulated below:

PROPOSED LAND USE PATTERN (DISTRICT WISE)											
S. No.	District Name	Component	Forest Area in Ha					Non-Forest area in ha			
			Revenue Forest	PF/FRA Forest	Sabik Forest	DLC Forest	Total Forest	Govt. land	Pvt. Land	Total N	Total Area Ha

			t	st	est					FL	
1	Kalaha ndi	Mined out Area	12.40 8	32.9 00	3.69 9	49.8 52	98.85 9	400.557	28.5 31	42 9. 08 8	527.947
2		Safety Zone Area		2.97 0		0.62 8	3.598	15.117		15 .1 17	18.715
3		Untouch ed Area		29.6 42		11.52 4	41.16 6	149.464		14 9. 46 4	190.630
Total			12.40 8	65.5 12	3.69 9	62.0 04	143.6 23	565.138	28.5 31	59 3. 66 9	737.292
1	Rayaga da	Mined out Area			6.23 5	475. 351	481.5 86	96.880	98.7 17	19 5. 59 7	677.183
2		Safety Zone Area			7.89 7	7.597	6.558		6. 55 8	14.155	
3		Untouch ed Area			0.00 1	75.3 97	75.39 8	42.917	1.84 1	44 .7 58	120.156
Total					6.23 6	558. 345	564.5 81	146.355	100. 558	24 6. 91 3	811.494
Grand Total			12.40 8	65.5 12	9.93 5	620. 349	708.2 04	711.493	129. 089	84 0. 58 2	1548.786

xvi. The consolidated forest land use pattern of the ML area pertaining to both the Forest Divisions is furnished below:

ABSTRACT OF PROPOSED LAND USE PATTERN OF TOTAL AREA				
S. N	Distri ct	Compo nent	Area in ha	Non-Forest area in ha

o.	Name		Revenue Forest	PF/FRA Forest	Sabik Forest	DLC Forest	Total Forest	Govt. land	Pvt. Land	Total NFL	Total Area Ha
1	Kalahandi Rayagada	Mined out area	12.408	32.900	9.934	525.203	580.445	497.437	127.248	624.685	1205.130
2		Safety Zone Area	0	2.970	0	8.225	11.195	21.675	0	21.675	32.870
3		Untouched Area	0	26.642	0.001	86.921	116.564	192.381	1.841	194.222	310.786
		Total	12.408	65.512	9.935	620.349	708.204	711.493	129.089	840.582	1548.786

- xvii. The area proposed for diversion is vulnerable to soil erosion due to steep slopes, vegetation loss and mining disturbances leading to rapid runoff, soil degradation and stream sedimentation. Factors like top soil displacement, compaction and blasting will further accelerate erosion.
- xviii. The total extent of safety zone in the ML area over 1548.786 ha is 32.87 ha. Out of which, 11.195 ha comes under forest land, 21.675 ha comes under Non-Forest Government land within the limit of both the forest divisions. The classification of safety zone over different KISSAM of land as well as over the different division jurisdiction is furnished below:

Details of safety zone involved within the Sijimali Bauxite Mines NFL in ha											
Sl. No.	District	Component	Forest land in ha					NFL in ha			
			Revenue	PF/FRA	Sabik	DL C	Total	Govt.	Pvt.	Total	Total in Ha
1	Kalahandi	Safety Zone	0	2.97	0	0.628	3.598	15.17	0	15.17	18.715
2	Rayagada	-do-	0	0	0	7.597	7.597	6.558	0	6.558	14.155
				2.97	0	8.225	11.195	21.675	0	21.675	32.870

- xix. The proposed area includes Tropical dry deciduous forest. The vegetation is basically mixed Sal Forest with other miscellaneous species. Further,

Wildlife species like Barking deer, wild boar, Monkey, Indian peacock and Indian hare are present in the area.

- xx. The presence of bauxite is characterized by long stretches of Plateau land on hilltop with little or no vegetation and vegetation is usually seen in hill slopes.
- xxi. No rare and endangered species are available in the Mining lease area coming under Rayagada Forest Division However, as per report of DFO, Kalahandi (South), Elephant habitat in Bijepur RF comes within 10 Kms impact zone. The applied area is not found important from an archaeological point of view. The proposed area does not form part of any National Park, Wildlife Sanctuary and Biosphere Reserve, Tiger Reserve, Elephant corridor or any protected area declared under any law of the State or central Government.
- xxii. The DFO, Rayagada has taken up tree enumeration through Range Officer, Kashipur over proposed 564.581 ha forest land of Sijimali Bauxite Block of Vedanta Limited adopting direct counting technique. Due to sparse vegetation on the plateau, the ecological impact of tree felling in this area will be minimal. The plateau's current ecosystem supports limited biodiversity, with most species reliant on valley vegetation for survival. DFO Rayagada has mentioned that the felling of trees near valley areas could lead to disruption of wildlife habitats and potential displacement of species, increased soil erosion and sedimentation of nearby water bodies.
- xxiii. Compensatory Afforestation has been proposed over 724.23 ha of Non-forest Government land measuring 565.50 ha in Rayagada District and 158.73 ha Government NFL in Kalahandi District against the proposed diversion of forest land over 708.204 ha for Sijimali Bauxite Block of M/s Vedanta Ltd.
- xxiv. The details of area identified for CA in Rayagada district and Kalahandi district are tabulated below:

Rayagada Division:							
S. No.	Tehsil	RI Circle	Mouza	Khata No.	Plot No.	Area in ha	Total Area (Ha)
1	Muniguda	Raghubari	Alibhata	11	1	9.70	36.75
					2	11.73	
					3 (P)	15.32	
2	Muniguda	Raghubari	Baringpadar	12	1(P)	8.0	38.24
					43(P)	16.01	
					44	14.23	
3	Muniguda	Raghubari	Baringpadar	3	1	14.14	87.81
					2	16.26	

					3	15.68	
					4(P)	5.74	
					10	4.05	
					11	19.77	
					14(P)	12.17	
4	Munigud a	Raghubari	Baratarana	9	4(P)	7.47	34.09
					23(P)	5.84	
					24	9.31	
					25	11.47	
5	Munigud a		Dambalu	21	1(P)	3.27	3.279
6	Munigud a	Raghubari	Demupadar	10	129	9.49	58.00
					132(P)	7.71	
					133	7.08	
					134	7.63	
					135(P)	7.76	
					136	11.48	
					137(P)	6.84	
7	Munigud a	Raghubari	Jambapada r	7	4(P)	2.388	40.40
					6	8.26	
					25	6.576	
					46(P)	13.242	
					47	9.935	
8	Munigud a	Kumudabal i	Kauguda	9	44(P)	24.136	38.95
					46(P)	14.816	
9	Munigud a	Tikarapada	Lidipanga	59	208(P)	11.882	46.22
					362	15.714	
					363	12.562	
					364	6.066	
10	Munigud a	Raghubari	PidelPadar	9	2	16.19	77.81
					3	15.27	

					4	16.39	
					5	15.19	
					219(P)	14.78	
11	Muniguda	Raghubari	Umbere	11	46(P)	7.49	69.66
					87	16.60	
					88(P)	15.24	
					91	12.79	
					92	17.54	
12	Muniguda	Raghubari	Madagalu	4	1	17.179	34.29
					3	5.868	
					5	11.242	

Kalahandi (South) Forest Division

Sl. No.	Village	Khata No.	Plot No.	Kissam		Area in Ac.	Suitable Area For plantation in Ac
1	Sampala	29	103(P)	Dangar	AAA	25.42	23.65
2			104	Dangar	AAA	32.70	32.70
3			105	Dangar	AAA	36.25	36.25
4			106	Dangar	AAA	42.00	42.00
5			107(P)	Dangar	AAA	41.38	40.07
6			108(P)	Dangar	AAA	38.50	35.28
7	Kanjiguda	32	240(P)	Dangar	Govt. of Odisha	32.50	30.00
8			237(P)	Dangar	Govt. of Odisha	37.50	35.00
9			241(P)	Dangar	Govt. of Odisha	36.15	33.00
10			242(P)	Dangar	Govt. of Odisha	41.73	37.85
11	Malatipadar	38	302	Dangar	AAA	22.50	22.50

12			307(P)	Dangar	AAA	31.50	23.78
Total area in ac							392.08
Total area in ha							158.73

- xxv. The CA schemes have been prepared in respect of Rayagada and Kalahandi (South) forest Divisions to the diversion proposal. It has been proposed to adopt chain link wire mesh fencing for the protection of the planted species over the entire area in 17 patches coming under 12 villages. The perimeter proposed for fencing over 17 patches.
- xxvi. The total forest land proposed for diversion in the proposal is 708.204 ha. The user agency has provided 565.50 ha NFL in Rayagada forest Division and 158.73 ha NFL in Kalahandi (South) division against the proposed forest land for diversion. Thus, the user agency has provided 724.23 ha NFL land for CA It is required to plant 7,08,204 nos. seedlings in the CA However, both the DFOs have made schemes to plant 2,28,157 + 69,986=2,98,143 nos. seedlings Balance seedlings of 7,08,204 - 2,98,143 = 4,10,061 nos. seedlings will be planted through Additional CA schemes in Rayagada Forest Division. The DFO, Rayagada has identified 546.0 ha of notified degraded forest land in his division to take up the additional CA Plantation.
- xxvii. The financial outlay approved by the APCCF (Nodal) for the Addl. CA plantations proposed in Rayagada Division comes to ₹44,71,21,000/-
- xxviii. The total financial outlay of the CA and Additional CA schemes pertaining to Rayagada and Kalahandi (South) Forest Division come ₹107,63,89,300 (₹53,09,26,800+ ₹9,83,41,500 + ₹44,71,21,000) The user agency has furnished undertaking to pay the amount of ACA plantation as per the demand of DFO, Rayagada.
- xxix. The DFO, Rayagada has prepared the Cost-Benefit analysis of the project pertaining to both the Forest Divisions. The cost of the forest is assessed as ₹42401.893 Lakh and the benefit of the project is estimated at ₹2,76,27,164 65 lakhs The Cost-Benefit ratio comes to 1:651.554.
- xxx. The Ministry of Environment, Forest and Climate Change (IA Division) have issued Term of Reference (TOR) vide File No IA-J-11015/6/2023-IA-II(NCM) dt 14.08.2023 for mining of Sijimali Bauxite Block over 1549.022 ha for peak rated Capacity of 9.0 MTPA along with installation of two crushers (2x1200 TPH) located at Thuamul and Kasipur Tahasils of Kalahandi and Rayagada Districts respectively/MIN/439954/2023 dt 06.11.2023 to the user agency The ToR would be valid for a period of three years.
- xxxi. The Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR (IBM) over 1549.022 ha in respect of Sijimali

Bauxite Block in Tehsil Rampur and Kasipur Tahasils of Kalahandi and Rayagada Districts in the state of Odisha in favour of M/s Vedanta Ltd vide L: No MCDR- MIFLOBXT/4/2023-BBS-IBM RO BBS dt 16.08.2023 with 17 no of terms and conditions The approval of Mining Plan along with Progressive Mine Closure Plan has been accorded by the Indian Bureau of Mines.

- xxxii. The field Inspection envisages that the project involves displacement of 100 nos. of families in 02 villages i. e. Malipadar under Rayagada District and Tijamali Under Kalahandi District. In this regard the user agency has furnished an undertaking duly countersigned by the DFO, Rayagada to submit the approved R & R Plan in respect of Sijimali Bauxite Block of M/s Vedanta Ltd in Rayagada and Kalahandi Districts to the Competent Authority immediately after its approval under Section 16 of LARR Act, 2013. The user agency has furnished an undertaking duly countersigned by the DFO, Kalahandi (South) to submit the approved R&R Plan in respect of Sijimali Bauxite Block of M/s Vedanta Ltd in Rayagada and Kalahandi Districts to the competent authority immediately after its approval under section 16 of LARR Act, 2013.
- xxxiii. A Site-Specific Wildlife Conservation Plan for the project has been approved by the PCCF (WL) and CWLW, Odisha vide Memo No 9718 dt 16.08.2024 The user agency has furnished an undertaking duly countersigned by the DFO, Rayagada to bear the cost of SSWLCP.
- xxxiv. As stated by the Additional PCCF, Forest Diversion & Nodal Officer, FC Act, O/o the PCCF & HoFF, Odisha, there are no court cases pending against the user agency on the applied area as revealed from the Site Inspection Reports of report of the DFO, Rayagada and DFO, Kalahandi (South) Divisions. However, a Writ Petition was filed before the Hon'ble High Court vide WP (C) No 3729 of 2025 (Sri Gobinda Majhi & others-Vrs-Union of India & others) by the Petitioners with the following prayers:
- a. Issue a writ of certiorari or any other appropriate writ quashing the Gram Sabha resolutions dated 08.12.2023 [Annexure 2 (Series) and Annexure 3 (Series)] and the subsequent certificate issued by the Collector, Kalahandi (Annexure 8) as the same are fraudulent and are against the provisions of FRA, 2006 and the Constitution of India.
 - b. Issue of writ of mandamus or any other appropriate writ directing the Ops to accept the resolutions passed by the Gram Sabha held between 30.08.2024 to 04.09.2024 [Annexure 9 (series)] wherein no consent for the diversion of forest land for non-forest purposes have been given by the villagers of the said villages.
 - c. Issue a writ of mandamus or any other appropriate writ directing the Opposite Parties not to take any further steps pertaining to the Sijimali Bauxite Mine Project till the rights of the villagers in the project affected areas are settled as per the Forest Rights Act, 2006.

- d. Issue a writ of mandamus or any other appropriate writs constituting a judicial inquiry into the illegalities committed in the alleged Gram Sabhas which took place on 08.12.2023 in the villagers of Kantamal, Sagaban, Dumerpadar, Aligana, Chulbari, Tijimali, Pelanakona, Katibhata, Malipadar and Bondel and an action taken report be submitted before this Hon'ble Court in a time bound manner.
- e. Union of India through Secretary, MoEF&CC, Ministry of Tribal Affairs through its Secretary, State of Odisha through Secretary, Department of Revenue & Disaster Management, State of Odisha through Additional Chief Secretary, Forest & Environment Department, Department of Steel & Mines, Collector, Kalahandi, Collector, Rayagada and M/s Vedanta Ltd. were Opposite Parties No 1, 2, 3, 4, 5, 6, 7 & 8 respectively.
- f. The Hon'ble High Court vide Order No 1 dated 12.02.2025 had directed the State to issue written instruction on Petitioners allegation recorded in their order and directed to list on 19.02.2025 In the matter, the Collector & District Magistrate, Kalahandi and Collector & District Magistrate, Rayagada were requested to furnish the instruction/ PWC on the aforesaid Writ Petition to the O/o the AG, Odisha, Cuttack at the earliest under intimation to this Department vide this Department Letter No 6289/FE&CC dated 12.03.2025.
- g. The Hon'ble High Court vide Judgement dated 05.03.2025 has disposed of the Writ Petition. In the said judgement, the Hon'ble High Court in Para 7 has directed as follows.

"7 Mr. Mohanty submits, his clients have not conceded but on the contrary maintained that Impugned Gram Sabha resolutions were fraudulently got made. He submits, subsequent to impugned resolutions, the Gram Sabhas convened between 30th August, 2024 and 4th September, 2024. They resolved that no consent for diversion was duly obtained. Mr. Mohanty points out, there has not been process duly undertaken to grant recognition to his clients, who are forest dwellers in the area. Mr. Swain disputes on submission that the Gram Sabha proceedings were video recorded and petitioners were present in those Gram Sabhas, which resulted in impugned resolutions. We would not want to be drawn into this dispute on facts. The submission is recorded for being noted by Union of India in dealing with the proposal made by the user agency (opposite party no 8), upon taking into confidence inhabitants of concerned villages, through the Gram Sabhas and otherwise. Petitioners have pointed out their rights under the Act of 2006 as provided under section 3. We reiterate, Union of India must take note"

- xxxv. The aforesaid order dated 05.03.2025 of the Hon'ble High Court passed in WP No 3729 of 2025 (Shri GobindaMajhi& others Vrs Union of India & others) has been received in this Department on 26.03.2025 from the Superintendent of the High Court of Orissa vide his Issue No 8805 (3) dated 13.03.2025. *The copy of the aforesaid letter of the Superintendent of the High Court of Orissa along with a copy of the Order dated. 05.03.2025 of the Hon'ble High Court of Orissa is enclosed for favour of kind information and necessary action of the Ministry.*
- xxxvi. The Collector, Rayagada has issued certificate in Form-II under Schedule Tribe and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 for forest land of 565.70 Ha involved in the Sijimali Bauxite Block leased out in favour of M/s Vedanta Ltd On 24.01.2024
- xxxvii. The Collector, Kalahandi has issued certificate in Form No -II under Schedule Tribe and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 for forest land of 133.95 Ha involved in the Sijimali Bauxite Block leased out in favour of M/s Vedanta Ltd. on 18.01.2024.
- xxxviii. The user agency has furnished an undertaking duly countersigned by the DFO, Kalahandi (South) to submit the FRA certificate for the balance forest land over 03 villages coming in Kalahandi district after obtaining from the Revenue authority.
- xxxix. The State has informed that the user agency does not have any other existing bauxite mines in Odisha. This will be their first bauxite mine in Odisha. The user agency, Vedanta Ltd., has been declared the Preferred Bidder for this block in the auction held on 09.02.2023 under the MMDR Act, 1957. However, they do operate the Jamkhani opencast coal mine in Sundargarh district with a lease area of 847 ha, a reserve of 222.13 million tonnes, and a capacity of 2.6 MTPA.
- xl. The State has informed that the valley area is non-mineralized, has no bauxite presence, and will be left untouched. It is proposed to be developed as a greenbelt.
- xli. The State has given justification for the temporary roads, transmission lines, and cultivation which are seen in the forest area. The State has clarified that these features are linked to the villages of Tijimali and Malipadar, which fall within the mining lease area. These villages will be rehabilitated and resettled as per the LARR Act, 2013. A notification under Section 11(1) has already been issued. Seasonal agricultural use is non-permanent and can be vacated anytime.
- xlii. The State Govt. has clarified that 116.5 ha of forest area marked as 'untouched' because as per Para 2.11 of the mining plan, this area, part of a non-mineralized valley, was included in the lease block but will remain undisturbed. The total untouched area is 311.02 ha, including 116.5 ha of forest.
- xliii. The State has clarified that cultivation and settlements are seen within the lease boundary because the seasonal cultivation is done by local villagers on a temporary basis and does not indicate permanent land use. The

- settlements are located in Tijimali and Malipadar, which are private lands. These villages are to be relocated under the R&R plan per the LARR Act.
- xliv. The State has clarified the requirement of water, electricity, and evacuation from the mine
- a. **Water:** Will be drawn from groundwater (approval from CGWA obtained).
 - b. **Power:** To be supplied through Diesel Generators.
 - c. **Evacuation:** Bauxite will be transported via PWD road from Malipadar to SH-44, then via rail from Singarama siding to Lanjigarh refinery. A separate proposal has been submitted for diversion of 4.911 ha forest land for constructing an access road to SH-44.
- xlv. The State has informed that cultivation is visible on CA land because of seasonal signs of cultivation, but the land is still classified as degraded forest. These signs do not indicate permanent land use and the land is suitable for afforestation, as per the approved CA Plan.
- xlvi. A Site-Specific Wildlife Conservation Plan for the 10 km impact zone has been approved by the PCCF (Wildlife) & CWLW, Odisha, with a budget of ₹34.44 Cr. Funds will be deposited in State CAMPA and used in Kalahandi South and Rayagada Forest Divisions. Activities will be implemented under DFO guidance, with a 5-year plan period and monitoring provisions.
- xlvii. The Regional Office has inspected the area proposed for diversion and proposed CA land. The DDGF (Central), RO Bhubaneswar has recommended the proposal subject to the following conditions:
- (a) A total of 310.786 hectares of land located within the mining lease boundary (beyond the safety zone), shall remain undisturbed, as submitted by the User Agency. This area shall be maintained as a green belt owing to the absence of bauxite reserves. The User Agency shall ensure that no tree felling or mining activity is undertaken in the said forest area.
 - (b) The State Government shall ensure that 8.082 hectares of forest land, which forms part of the Compensatory Afforestation (CA) area for the Dubna-Sakradihi Mines project (Proposal No. FP/OR/MIN/30349/2017) and have also been included in the present proposal, are compensated by identifying and providing an alternative CA site for the said project. Approval for the partial change in CA site shall be obtained from the competent authority for Proposal No. FP/OR/MIN/30349/2017.
 - (c) As mining is proposed at the hilltop and may affect the natural catchment area, the User Agency shall implement comprehensive soil conservation measures on the hillock and adjoining forest areas. These measures shall aim to prevent surface runoff from leaving the mining zone and to safeguard downstream ecosystems.
 - (d) The User Agency shall submit a progressive reclamation plan, along with the restoration schedule and forest land surrender schedule, to the Ministry prior to the grant of final approval.

- (e) A separate proposal (Proposal No. FP/OR/OTHERS/523366/2025) involving the diversion of 4.911 hectares of forest land in favour of the Odisha Industrial Infrastructure Development Corporation (IDCO) for the construction of an access road from the Sijimali Bauxite Mines (hilltop) to State Highway-44 (SH-44) is presently under consideration by the Ministry of Environment, Forest and Climate Change for "in-principle" approval. As this road is an ancillary component of the Sijimali Bauxite Mines project, the competent authority may consider appraising both proposals concurrently to ensure an integrated evaluation and to avoid any fait accompli situation.
- (f) The User Agency shall ensure that all Compensatory Afforestation (CA) sites are free from encroachments before being handed over to the State Forest Department (SFD). The SFD shall ensure that the CA sites are properly fenced, cleared of encroachments, and planted, at the cost of the User Agency.
- (g) The State Forest Department (SFD) shall implement the Site-Specific Wildlife Conservation Plan (SSWLCP) for the project, as approved by the Chief Wildlife Warden (CWLW), Odisha, at the cost of the User Agency.
- xlvi. The Hon'ble High Court vide Judgement dated 05.03.2025 have disposed of the Wnt Petition In the said judgement, the Hon'ble High Court in Para 7 have directed as follows:
"7 Mr. Mohanty submits, his clients have not conceded but on the contrary maintained that Impugned Gram Sabha resolutions were fraudulently got made. He submits, subsequent to impugned resolutions, the Gram Sabhas convened between 30th August, 2024 and 4th September, 2024. They resolved that no consent for diversion was duly obtained. Mr. Mohanty points out, there has not been process duly undertaken to grant recognition to his clients, who are forest dwellers in the area. Mr. Swain disputes on submission that the Gram Sabha proceedings were video recorded and petitioners were present in those Gram Sabhas, which resulted in impugned resolutions. We would not want to be drawn into this dispute on facts. The submission is recorded for being noted by Union of India in dealing with the proposal made by the user agency (opposite party no 8), upon taking into confidence inhabitants of concerned villages, through the Gram Sabhas and otherwise. Petitioners have pointed out their rights under the Act of 2006 as provided under section 3. We reiterate, Union of India must take note" order.
- xlix. Further, the committee has also noted that a separate proposal for seeking prior approval of the Central Govt. Diversion of 4.911 ha of forest land for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in KashipurTahasil of Rayagada District under Rayagada Forest Division applied by IDCO has been submitted by the State Govt. letter No.FE-DIV-FLD-0025-2025-10894/FE&CC dated 09.05.2025 to the RO Bhubaneswar (Online

proposal No. FP/OR/OTHERS/523366/2025). The RO has submitted this proposal to the Ministry for holistic decision.

- i. Further, the DDGF (Central) has mentioned that:
 - a. The instant proposal pertains to the construction of a road submitted by the Government of Odisha, with the primary objective of facilitating the transportation of bauxite ore via bulkers/trucks from the mines of M/s Vedanta Limited to State Highway 44 (SH-44).
 - b. In response to the EDS raised by the Regional Office on 19.05.2025, the State Government has clarified that, apart from serving the aforesaid purpose, the proposed road is also intended to connect the villages of Dumerpadar, Porlang, Sagabari, Bichapinda, and Malipadar, which presently lack road connectivity.
 - c. However, as per the KML file submitted, the specifications of the proposed road (width) indicate that it is primarily designed to support the movement of heavy vehicles.
 - d. In this context, it is pertinent to mention that the associated mining proposal—vide proposal no. FP/OR/MIN/QRY/470250/2024—is currently under consideration by the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi. The in-principle approval for the same is yet to be granted. In the event that the mining proposal is not favourably considered by the competent authority, positive consideration of the road proposal at this stage by the Regional Office may lead to a fait accompli situation.
- ii. The committee further observed that the road proposal has been submitted by the other agency i.e. by IDCO, however the road is primarily proposed keeping in view the requirement of mineral evacuation in the instant mine. The separate proposal for the road construction may be allowed, However, the proposal for road can only be considered for approval once the proposal for the diversion of forest land for the mining lease is approved.
- iii. The above facts were considered in the Advisory Committee meeting held on 30.07.2025. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Odisha, the Committee deferred the proposal and sought clarification/information on the following for further consideration in the matter:
 - a. Keeping in view the Judgement dated 05.03.2025 of the Hon'ble High Court of Odisha w.r.t. the WP (C) No 3729 of 2025 (Sri GobindaMajhi& others-Vrs-Union of India & others), the state shall ensure strict compliance of the order of the Hon'ble Court and submit a detailed report.
 - b. The State has informed that the area proposed for diversion is vulnerable to soil erosion due to steep slopes. The vegetation loss and mining disturbances lead to rapid runoff, soil degradation and stream sedimentation. The factors like top soil displacement,

- compaction and blasting will further accelerate erosion. In this regard, the justification and plan to mitigate the soil erosion shall be submitted.
- c. An area of 8.082 hectares, which forms part of the Compensatory Afforestation (CA) area for the Dubna-Sakradihi Mines project (Proposal No. FP/OR/MIN/30349/2017) has been included in the present proposal. The state shall give justification for keeping this area in the diversion proposal. The State shall provide the status of compensatory afforestation carried out in this area and intimate as to how this area will be compensated.
 - d. The State has informed that the temporary roads, transmission lines, and cultivation seen in the forest area are linked to the villages of Tijimali and Malipadar. In this regard, the state shall examine the matter and submit a report regarding the violation of the Adhinyam, if any.
 - e. The State shall ensure that all Compensatory Afforestation (CA) sites are suitable for plantation and free from encroachments. In this regard, a detailed report for each Compensatory Afforestation area shall be provided.
- liii. The State Govt. submitted the reply online on 18.08.2025 which was examined by the Advisory Committee wherein the committee observed that:
- a. The State Govt. has submitted the detailed report submitted by the District Collector Rayagad and Kalahandi alongwith all supportive documents mentioning therein that the process has been completed in a fair and transparent manner. However, the reports are silent on the concerns raised by the people in their representations and in the petition before the Hon'ble Court.
 - b. An area of 8.082 hectares, which forms part of the Compensatory Afforestation (CA) area for the Dubna-Sakradihi Mines project (Proposal No. FP/OR/MIN/30349/2017) has been included in the present proposal. The State has not provided the status of compensatory afforestation carried out in this area.
 - c. The State has informed that the area proposed for diversion is vulnerable to soil erosion due to steep slopes. The vegetation loss and mining disturbances lead to rapid runoff, soil degradation and stream sedimentation. The factors like top soil displacement, compaction and blasting will further accelerate erosion. In this regard, the plan to mitigate the soil erosion has not been submitted.
 - d. The State govt. has informed that as per data available in the census handbook of District Koraput and Kalahandi for year 1981, it is found that village Tijimali and Malipadar were existing during 1981 i.e. have been existing much before the enactment of Forest Conservation Act, 1980 due to which some patches of the Revenue Forest land have been used by the villagers for the purpose of cultivation prior to 1980. Similarly, temporary roads were also being

- used by the local villagers much before 1980. Hence, the breaking of forest land for the purpose of cultivation and road may not be treated as violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in respect of the project. However, the details of existing transmission lines have not been provided.
- e. The RO in the SIR had mentioned that presence of shifting cultivation and village paths has been found in maximum proposed CA sites. Accordingly, the State was asked to ensure that all Compensatory Afforestation (CA) sites are suitable for plantation and free from encroachments. In this regard, a detailed report for each Compensatory Afforestation was asked. In this regard the State has referred to the detailed CA scheme only and the detailed report for each site ensuring that it is free from all encumbrances has not been submitted.
 - f. The State has informed that the temporary roads, transmission lines, and cultivation seen in the forest area are linked to the villages of Tijimali and Malipadar. Moreover, the State has not mentioned anything about the transmission lines. In this regard, the state shall examine the matter and submit a detailed report regarding the violation of the Adhiniyam, if any.
- liv. The committee further observed that the area has the presence of elephants and therefore it would be prudent to seek comments from the Project Elephant Division in the matter.
- lv. The proposal was considered in Advisory Committee meeting held on 25.8.2025. The Committee deferred the proposal and sought clarification/information on the following for further consideration in the matter:
- (a) The State Govt. has submitted the detailed report submitted by the District Collector Rayagad and Kalahandi alongwith all supportive documents mentioning therein that the process has been completed in a fair and transparent manner by following due procedure. However, the reports are silent on the concerns raised by the people in their representations and in the petition before the Hon'ble Court. Keeping in view the Judgement dated 05.03.2025 of the Hon'ble High Court of Odisha w.r.t. the WP (C) No 3729 of 2025 (Sri Gobinda Majhi & others-Vrs-Union of India & others), the state shall address the concerns raised by the petitioners and those raised by the local people in their representations.
 - (b) An area of 8.082 hectares, which forms part of the Compensatory Afforestation (CA) area for the Dubna-Sakradihi Mines project (Proposal No. FP/OR/MIN/30349/2017) has been included in the present proposal. The State has not provided the status of compensatory afforestation carried out in this area. The same shall be provided.
 - (c) The State has informed that the area proposed for diversion is vulnerable to soil erosion due to steep slopes. The vegetation loss

and mining disturbances lead to rapid runoff, soil degradation and stream sedimentation. The factors like top soil displacement, compaction and blasting will further accelerate erosion. In this regard, the plan to mitigate the soil erosion has not been submitted, which shall be submitted.

- (d) The RO in the SIR had mentioned that presence of shifting cultivation and village paths has been found in maximum proposed CA sites. Accordingly, the State was asked to ensure that all Compensatory Afforestation (CA) sites are suitable for plantation and free from encroachments and a detailed report for each Compensatory Afforestation site was asked. In this regard the State has referred to the detailed CA scheme only and the detailed report for each site ensuring that it is free from all encumbrances has not been submitted.
 - (e) The State was asked to submit a report on the status of violation wherein the State has not mentioned anything about the existing transmission lines. In this regard, the state shall examine the matter and submit a detailed report regarding the violation of the Adhiniyam, if any.
 - (f) The presence of elephants has been reported in the proposed area therefore the comments from the Project Elephant Division may also be sought on the matter.
- lvi. The observation of Advisory Committee conveyed to the State Government vide EDS dated 01.09.2025. In this reference, State Government vide letter dated 23.09.2025 has reported that all concerns raised by the petitioners and local inhabitants have been carefully examined and duly addressed in a fair and transparent manner by the District Administration. Further, adequate safeguards have been ensured under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 alongwith the Rules of 2007 and the Amendment Rules of 2012 so as to ensure proper and effective implementation of the FRA.
 - lvii. The Committee has observed that the User Agency has submitted the "Scheme to Mitigate Soil Erosion" proposing various structural and biological measures such as construction of retaining walls (45422 m), garland drains (7511 m), check dams (28 Nos), settling ponds (11 Nos), contour bunds (447 m), Loose Boulder Check Dams (LBCDs-100 Nos), periodic de-silting, and associated plantation works.
 - lviii. With regard to compensate the reduction of 8.082 ha of CA land of OMC Ltd., an additional 8.082 ha has also been included in the total CA land of 724.23 ha, allotted by both the District Collectors in Kalahandi and Rayagada districts towards Compensatory afforestation of the project. Further clarified that no Compensatory Afforestation has been raised over the aforesaid 8.082 ha, which forms part of the CA area for the Dubna-Sakradihi Mines Project (Proposal No FP/OR/MIN/30349/2017) and has now been included in the lease area of the instant proposal.

- lix. State Government has informed that the presence of certain seasonal land-use features, including temporary cultivation and footpaths. As certified by the Tahasildars and jointly endorsed by the Range Officers, these activities represent temporary usages by local villagers in the past and can be discontinued or removed at any point of time. Such transient indicators do not amount to any permanent change in land use, and accordingly, the identified land patches are considered suitable for afforestation.
- lx. The State has informed that the existing transmission line was established under the Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) (RGGVY XII Plan), for electrification of Malipadar village within the present Sijimali Bauxite Block prior to its auction. It is evident that the establishment of the said transmission line predates the involvement of the present applicant, Vedanta Ltd. and therefore no violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, is attributable to the User Agency.
- lxi. Further, the State has informed that as per the Summer and Winter Elephant Census, figures for the year 2024-25, a total of 35 elephants have been recorded in the Rayagada Forest Division. There is one resident male elephant in Rayagada Forest Division at aerial distance of approximately 85-90 km from the lease boundary in Gunupur Range, while the remaining elephants are migratory, frequently moving in and out of Rayagada into adjacent Divisions. The Division encompasses two elephant corridors (Ref Elephant Corridors of India, 2023 published by MoEF CC), namely the Kotgarh-Chandrapur Corridor and the Karlapat-Urladani Corridor. Both corridors are situated beyond the 10 km impact zone of the Sijimali Mining Lease boundary, however, elephant movement has been recorded at aerial distances of approximately 15-20 km from the lease boundary during the years 2022-23 (2 Elephants), 2024-25 (10 Elephants), and 2025-26 (4 Elephants) in the recent past. Further, to mitigate any potential negative impacts a Site-Specific Wildlife Conservation Plan (SSWLCP) has been prepared and duly approved by the PCCF (Wildlife)-cum-CWLW, Odisha, vide Letter No. 9718 dated 16.08.2024.
- lxii. The committee observed that the Hon'ble High court while disposing the matter has iter-alia observed that *"Mr. Swain disputes on submission that the Gram Sabha proceedings were video recorded and petitioners were present in those Gram Sabhas, which resulted in impugned resolutions. We would not want to be drawn into this dispute on facts. The submission is recorded for being noted by Union of India in dealing with the proposal made by the user agency (opposite party no.8), upon taking into confidence inhabitants of concerned villages, through the Gram Sabhas and otherwise. Petitioners have pointed out their rights under the Act of 2006 as provided under section 3. We reiterate, Union of India must take note"*.

- lxiii. The above facts were considered in the Advisory Committee meeting held on 27.10.2025. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Odisha, the Committee deferred the proposal and sought clarification/information on the following for further consideration in the matter
- a. The State Government shall submit a copy of affidavits filed by the petitioner and respondents in W.P. (C) No.3729 of 2025 (Sri Gobinda Majhi & Others-Vrs-Union Of India & Others) filed before Hon'ble High Court of Odisha for further necessary action in the Ministry.
 - b. The copy of affidavit filed by state may also be given.
- lxiv. The observation of Advisory Committee was conveyed to the State Government vide EDS dated 06.11.2025.
- lxv. The committee noted that the State Government vide letter dated 13.11.2025 has reported that there was no affidavit filed by the Petitioner nor the Respondents. State Government has submitted copies of the Orders dtd. 12.02.2025, 05.03.2025 and 02.09.2025 passed in the W.P. (C) No.3729 of 2025 (Sri Gobinda Majhi & Others-Vrs-Union Of India & Others) and dtd.09.10.2025 passed in IA No.4490 of 2025 by the Hon'ble High Court of Orissa. Further, State Government has reported that Counter Affidavit has not been filed by State in the said Writ Petition.
- lxvi. The Committee noted that several representations have been received alleging irregularities and fraudulent conduct of Gram Sabha proceedings related to the proposal. Recently, another representation dated 22.11.2025 has also been received, alleging that misleading replies were submitted to the Ministry. The Committee took note of the judgment of the Hon'ble High Court dated 05.03.2025, wherein the Hon'ble Court directed that the submission of petitioner is recorded for being noted by Union of India in dealing with the proposal made by the user agency.
- lxvii. In compliance with the Hon'ble High Court's directions, the Ministry requested the State Government to examine and address the concerns raised in the representations and in the petition. The State Government in this regard forwarded the response of the District Collectors of Rayagada and Kalahandi. Both the District Collectors have affirmed that the entire FRA process, including Gram Sabha proceedings, was undertaken in a fair and transparent manner and in accordance with due procedure. The Committee noted that, under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006), the District Collector is the competent statutory authority responsible for issuing the FRA compliance certificate. The District Collectors of Rayagada and Kalahandi have maintained that the entire process pertaining to FRA compliance, including Gram Sabha proceedings, has been conducted in a fair and transparent manner without any procedural lapses. The Committee observed that these confirmations from the statutory authorities form the basis of FRA compliance for the proposal.

4. **Decision of Advisory Committee:-** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and the CCF in the office of Nodal officer (FCA), Government of Odisha '**recommended**' the Stage-I / In-principle approval for diversion of 708.204 ha (564.581 ha in Rayagada Forest Division + 143.623 ha in Kalahandi (South) Forest Division) of Forest land (including 11.195 ha earmarked for Safety Zone) within total Mining Lease area in 1548.786 ha of Sijimali Bauxite Mines in Rayagada Forest Division & Kalahandi (South) Forest Division under Rayagada and Kalahandi District respectively in respect of M/s Vedanta Limited subject to general, standard and following specific conditions:-
- i. The State Government shall ensure complete compliance of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006);
 - ii. A total of 310.786 hectares of land located within the mining lease boundary (beyond the safety zone) shall remain undisturbed, as the User Agency has indicated that no bauxite reserves are present in this area. This land shall be maintained as a green belt, and the User Agency shall ensure that no tree felling, mining operations, or any other form of land disturbance is carried out within this area.
 - iii. The State Government shall take steps to ensure that the approval for the change in CA site for 8.082 ha CA area shall be obtained from the competent authority in case of Proposal No. FP/OR/MIN/30349/2017.
 - iv. As mining is proposed at the hilltop and may affect the natural catchment area, the User Agency shall implement comprehensive soil conservation measures on the hillock and adjoining forest areas. These measures shall aim to prevent surface runoff from leaving the mining zone and to safeguard downstream ecosystems. The Plan for the same shall be approved by the State Forest Department and implemented under its supervision.
 - v. The User Agency shall submit a progressive reclamation plan, including the restoration schedule and the schedule for surrender of forest land, along with the compliance report.
 - vi. The User Agency shall ensure that all Compensatory Afforestation (CA) sites are free from encroachments before being handed over to the State Forest Department (SFD). The SFD shall ensure that the CA sites are properly fenced, cleared of encroachments, and planted, at the cost of the User Agency.
 - vii. A comprehensive site-specific Wildlife Management Plan shall be prepared and implemented at the cost of the user agency to reduce the adverse effect of project on wildlife. This will also include a comprehensive Human–Elephant Conflict Monitoring and Mitigation Plan. The preparation of the Wildlife Management Plan and monitoring of its implementation shall be done by Wildlife Institute of India (WII). The plan shall include systematic monitoring of human–elephant interactions, research on habitat use and conflict drivers, and capacity-building programmes for local communities,

forest managers, and mine developers to ensure effective conflict prevention and management.

Additional Agenda No. 1

Proposal No. FP/RJ/OTHERS/509218/2024

Subject: Proposal for seeking Ex-Post Facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 4.487 ha Protected forest land in favour of Assistant Engineer, Public Works Department of Rajasthan for Beautification and Renovation work in Kaila Devi Temple Jheel KaBada, Bayana Tehsil, Bharatpur District of Rajasthan State

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 02.12.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The IGF (Central), RO Gandhinagar and Nodal Officer (FCA), Govt. of Rajasthan were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained to the Advisory Committee. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The Govt. of Rajasthan through their letter No F.No.1(25)forest/2025 dated 21.02.2025 forwarded an online proposal on dated 09.04.2025 to the Ministry for seeking Ex-Post Facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 4.487 ha Protected forest land for Beautification and Renovation work in Kaila Devi Temple JheelKaBada, Bayana, Bharatpur District of Rajasthan State.
 - ii. The proposed forest area is having canopy density of 0.3 (Eco Class-3) and 222 number of trees have been proposed to be felled. The State Govt. has informed that the proposed area to be diverted falls in the TTZ (Taz Trapezium Zone) but working agency has given a certificate ensuring that it will not cut any trees coming in the diversion area.
 - iii. The State Govt. has informed that the proposed area should be diverted as there is high inflow of pilgrims for the temple. It would be better that area is diverted and some other area is given to the forest department where better ecosystem could be developed adjoining to existing forest patch. The present area already has many structures which can not revived back to the forest ecosystem.
 - iv. The justification of the locating the project in forest area is that the Chief Minister's budget announcement in the year (2022-23) of the Hon'ble Chief Minister, administrative approval has been given to get the work done in the limit of Rs. 5.00 crore for the renovation and development



Letter No: VL/Road/SIJIMALI/ 187/25

Date: 12.12.2025

To,
The Consultant (Environment),
IDCO, BBSR
Odisha

Sub: Compliance to EDS raised by MoEF & CC, GoI on diversion proposal of forest land measuring 4.911 Ha in the village Shagabari and Porlang under Kashipur Tahasil for construction of road from SH-44 to Sijimali Bauxite Mines (hilltop) under Rayagada District.

Ref: 1. MoM (FC/MOM/AC/473103/2025) dated 12.12.2025
2. IDCO Letter No. HO-CGM(Env)/394/2024 dated 12.08.2025
3. MoM (FC/MoM/AC/278834/2025) dated 07.08.2025

Dear Sir,

With reference to the subject and the letter issued from your esteemed office, we would like to inform you that the in-principle approval for diversion of forest land for the Sijimali Bauxite Mine has already been granted by the Ministry of Environment, Forest and Climate Change (MoEF & CC), as per the Minutes of Meeting published on 12.12.2025 (copy attached for reference).

In view of the above, the proposal for construction of the said road may now kindly be considered for Stage-1 forest clearance approval.

We request your good office to kindly acknowledge this compliance submission and take necessary action at your end. Further, we also request you to kindly forward this compliance report to the Divisional Forest Officer, Rayagada Forest Division for further processing of the proposal at their level.

Thanking You,

For M/s Vedanta Limited

Shuvrendu Roy Choudhury
Chief New Mines & Approvals



Encl:

1. The Reply to the EDS is enclosed as annexure-1

VEDANTA LIMITED

5th Floor, Module C/2, Fortune Towers, Chandrasekharpur, Odisha, India – 751023.

T - 06645666989

Website: www.vedantalimited.com

CIN: L13209MH1965PLC291394

EDS Raised	Reply to EDS
<p>The proposed road is primarily designed to support the movement of heavy vehicles for the mineral evacuation from the Sijimali Bauxite Mine. Therefore, the proposal for road construction can only be considered once the proposal for the diversion of forest land for the said mining lease is approved. The State government shall therefore submit the proposal after obtaining the in-principle approval for the diversion of forest land in the Sijimali Bauxite Mine.</p>	<p>It is noted that the in-principle approval for the diversion of forest land for the Sijimali Bauxite Mine has already been granted, as per the Minutes of Meeting published on 12.12.2025 (attached). In view of this, the proposal for the construction of the said road may now be considered for Stage-1 forest clearance approval, subject to compliance with all applicable norms and conditions.</p>



Handwritten signature



OFFICE OF THE DIVISIONAL FOREST OFFICER : RAYAGADA FOREST DIVISION
E.Mail: dforgda17@gmail.com, dfo.rayagada@odisha.gov.in

Memo ~~Order~~ No. 6860 / 4F (Misc.) 1984/2025. Dt. 15/12/2025

To

The Principal Chief Conservator of Forests (FD & NO, F.C. Act)
 O/o. the Principal Chief Conservator of Forests,
 Odisha, Bhubaneswar.

Sub: -

Proposal for diversion of 4.911 Ha. Forest Land in village Sagabari and Porlang under Kashipur Tahasil for Construction of Road from Sijimali Bauxite Mines top to SH -44 under Rayagada District/Division- Regarding compliance of the EDS. (Proposal No. FP/OR/OTHERS/523366/2025).

Ref: -

1. MoM ID. FC/MOM/AC/473103/2025 Dt.02.12.2025 of the FAC (MoEF & CC), GoI, New Delhi.
2. Letter No.394 dated.12.12.2025 of the Consultant (Env), IDCO, IDCO Tower, Janapath, Bhubaneswar.

In inviting a reference to the above-cited subject and related correspondence, it is hereby informed that, as per the EDS dated 07.08.2025 issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India, New Delhi, in connection with the proposal for diversion of 4.911 ha of forest land in Sagabari and Porlang villages under Kashipur Tahasil for construction of a road from the Sijimali Bauxite Mines top to SH-44 in Rayagada District/Division, it has been observed that "the proposed road is primarily intended to facilitate the movement of heavy vehicles for mineral evacuation from the Sijimali Bauxite Mine. Hence, the proposal for road construction can only be considered after approval of the proposal for diversion of forest land for the said mining lease."

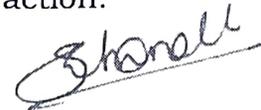
Further, as per the Minutes of Meeting of the Advisory Committee held on 02.12.2025, the Ministry of Environment, Forest & Climate Change, Government of India, New Delhi, has recommended Stage-I (In-principle) approval for diversion of 708.204 ha of forest land (564.581 ha in Rayagada Forest Division and 143.623 ha in Kalahandi (South) Forest Division), including 11.195 ha earmarked for the Safety Zone, out of the total Mining Lease area of 1548.786 ha of the Sijimali Bauxite Mines, falling under Rayagada Forest Division and Kalahandi (South) Forest Division in Rayagada and Kalahandi Districts respectively, in favour of M/s Vedanta Limited.

In view of the above, the proposal for diversion of 4.911 ha of forest land in Sagabari and Porlang villages under Kashipur Tahasil for construction of a road from the Sijimali Bauxite Mines top to SH-44 in Rayagada District/Division is hereby transmitted for your kind consideration, decision, and onward transmission as deemed appropriate.


 Divisional Forest Officer
 Rayagada Division

Memo No 6862 Date 15/12/2025

Copy submitted to the Regional Chief Conservator of Forests, Koraput Circle, Koraput for favour of kind information and necessary action.



Divisional Forest Officer
Rayagada Division

Memo No 6862 Date 15/12/2025

Copy submitted to the Consultant (Env), IDCO, IDCO Tower, Janapath Bhubaneswar for favour of kind information and necessary action.



Divisional Forest Officer
Rayagada Division

Sri Ashok Kumar Mishra
Consultant (Environment)

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ODISHA
NEW OPPORTUNITIES

No. HO-CGM(Env)/394/2024

35507

Date: 12/12/2025

To,

The Divisional Forest Officer
Rayagada Forest Division
Rayagada

Sub: Compliance to EDS raised by MoEF & CC, GoI on diversion proposal for diversion of forest land measuring 4.911 ha in the village Sagabari and Porlang under Kashipur Tahasil for construction of road from SH-44 to Sijimali Bauxite Mines (hilltop) under Rayagada District.

Sir,

In inviting a reference to the EDS raised by MoEF & CC, GoI. on 12/08/2025, the Stage-I Clearance for Sijimali Bauxite Mines under Rayagada District has been issued by MoEF & CC, GoI. vide Proposal No.FP/OR/MIN/QRY/470250/2024 is enclosed herewith in compliance to EDS for further action at your end.

Encl:- As above *(Reply of Project Proponent along with stage-I clearance of Sijimali mines)*

Yours faithfully,

✓ Consultant (Environment)
12/12

Memo No. _____ / Date: 12/12/2025

Copy Submitted to the Addl. PCCF, Nodal Officer, Odisha, Bhubaneswar for kind information & necessary action.

Consultant (Environment)

Memo No. _____ / Date: 12/12/2025

Copy Submitted to the Forests, Environment & Climate Change Department, Government of Odisha for kind information & necessary action.

Consultant (Environment)

Memo No. _____ / Date: 12/12/2025

Copy forwarded to the Addl. CGM(Land), IDCO for information & necessary action.

Consultant (Environment)

Memo No. _____ / Date: 12/12/2025

Copy forwarded to the Project Head- Sijimali Bauxite Mine, M/s Vedanta Ltd., 5th Floor, Module C/2, Fortune Towers, Chandrasekharpur, Bhubaneswar for information & necessary action.

Consultant (Environment)

Odisha Industrial Infrastructure Development Corporation
(A Government of Odisha Undertaking)
IDCO, IDCO Towers, Janpath, Bhubaneswar - 751022, Odisha, INDIA
+91- 0674 - 2541525, 2540820 | Fax: 2542956 / 2541982
cgmenv@idco.in | www.idco.in



सत्यमेव जयते

Government of India

Ministry of Environment, Forest and Climate Change

(Forest Conservation Division)



Online Proposal No.:
FP/OR/MIN/QRY/470250/2024



Dated: 31/12/2025

To,

**The Additional Chief Secretary (Forest),
Government of Odisha, Bhubaneswar.**

Subject: Proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 708.204 ha (564.581 ha in Rayagada Forest Division + 143.623 ha in Kalahandi (South) Forest Division) of Forest land (including 11.195 ha earmarked for Safety Zone) within total Mining Lease land in 1548.786 ha of Sijimali Bauxite Mines in Rayagada Forest Division & Kalahandi (South) Forest Division under Rayagada and Kalahandi District respectively in respect of M/s Vedanta Limited (Online Proposal No. FP/OR/MIN/QRY/470250/2024)-reg.

Sir/Madam,

I am directed to refer to Government of Odisha letter No. FE-DIV-FLD-0017-2025-8268/FE&CC dated 08.04.2025 seeking approval of Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal by the Advisory Committee and with due approval of the competent authority, the Central Government hereby accords **“in-principle/Stage-1”** approval under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 708.204 ha (564.581 ha in Rayagada Forest Division + 143.623 ha in Kalahandi (South) Forest Division) of Forest land (including 11.195 ha earmarked for Safety Zone) within total Mining Lease land in 1548.786 ha of Sijimali Bauxite Mines in Rayagada Forest Division & Kalahandi (South) Forest Division under Rayagada and Kalahandi District respectively, Odisha State in respect of M/s Vedanta Limited subject to fulfilment of following conditions:-

1. General Conditions

S. No	Conditions
1.1	Legal status of the diverted forest land shall remain unchanged
1.2	The Compensatory afforestation shall be raised by the State Forest Department as per approved scheme and as per the rules/guidelines on the matter. The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years. The Compensatory Afforestation scheme, as approved, shall be implemented by the State Forest Department at the cost of the user agency and the work of compensatory afforestation shall start within two years of the issue of diversion order.
1.3	The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance
1.4	The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 before issue of final diversion order of forest land by the State Government.
1.5	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years
1.6	The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the consolidated guidelines issued by this Ministry vide its letter dated 29.12.2023 in this regard
1.7	At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India
1.8	The Compensatory levies to be realized from the User Agency under the project shall be transferred deposited into the account of National Authority, CAMPA pertaining to the State concerned through e-portal (https://parivesh.nic.in/);
1.9	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required
1.10	The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar
1.11	The User agency, if required, will undertake comprehensive soil conservation measures in the area being diverted at the project cost in consultation with the State Forest Department. A scheme of the same may be submitted along with the compliance report

S. No	Conditions
1.12	No labour camp shall be established on the forest land
1.13	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas
1.14	The forest land shall not be used for any purpose other than that specified in the proposal
1.15	The layout plan of the proposal shall not be changed without the prior approval of the Central Government
1.16	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government
1.17	No damage to the flora and fauna of the adjoining area shall be caused
1.18	Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department
1.19	The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted in accordance with the relevant guidelines issued by the MoEF
1.20	The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project
1.21	The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State
1.22	The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year
1.23	Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife
1.24	The User Agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project

2. Standard conditions

S. No	Conditions
2.1	The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, as amended or Rules framed there under.

S. No	Conditions
2.2	User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease;
2.3	The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
2.4	The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of Stage-II approval under the FC Act for diversion of the said forest land;
2.5	<p>Following activities shall be undertaken by the user agency for the management of safety zone:</p> <p>(a) User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.</p> <p>(b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation /regeneration activities in the safety zone.</p> <p>(c) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department.</p>
2.6	The user Agency shall implement the R & R Plan as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF along with indicators for monitoring and expected observable milestones.
2.7	Adequate care shall be taken to check any rolling of overburden/dumps beyond diverted area and also to check soil erosion caused due to mining activities;
2.8	The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
2.9	<p>Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:</p> <p>(a) Mitigative measures to minimize soil erosion and choking of stream shall be</p>

S. No	Conditions
	<p>implemented within a period of three year with effect from the issue of 'Final' approval in accordance with the approved Plan/Scheme in consultation with the State Forest Department;</p> <p>(b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved Plan/scheme;</p> <p>(c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved Plan/Scheme;</p> <p>(d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28⁰; and</p> <p>(e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.</p>
2.10	The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report

3. Specific Conditions

S. No	Conditions
3.1	The State Government shall ensure complete compliance of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006).
3.2	A total of 310.786 hectares of land located within the mining lease boundary (beyond the safety zone) shall remain undisturbed, as the User Agency has indicated that no bauxite reserves are present in this area. This land shall be maintained as a green belt, and the User Agency shall ensure that no tree felling, mining operations, or any other form of land disturbance is carried out within this area.
3.3	The State Government shall take steps to ensure that the approval for the change in CA site for 8.082 ha CA area shall be obtained from the competent authority in case of Proposal No. FP/OR/MIN/30349/2017.
3.4	As mining is proposed at the hilltop and may affect the natural catchment area, the User Agency shall implement comprehensive soil conservation

S. No	Conditions
	measures on the hillock and adjoining forest areas. These measures shall aim to prevent surface runoff from leaving the mining zone and to safeguard downstream ecosystems. The Plan for the same shall be approved by the State Forest Department and implemented under its supervision.
3.5	The User Agency shall submit a progressive reclamation plan, including the restoration schedule and the schedule for surrender of forest land, along with the compliance report.
3.6	The User Agency shall ensure that all Compensatory Afforestation (CA) sites are free from encroachments before being handed over to the State Forest Department (SFD). The SFD shall ensure that the CA sites are properly fenced, cleared of encroachments, and planted, at the cost of the User Agency.
3.7	A comprehensive site-specific Wildlife Management Plan shall be prepared and implemented at the cost of the user agency to reduce the adverse effect of project on wildlife. This will also include a comprehensive Human–Elephant Conflict Monitoring and Mitigation Plan. The preparation of the Wildlife Management Plan and monitoring of its implementation shall be done by Wildlife Institute of India (WII). The plan shall include systematic monitoring of human–elephant interactions, research on habitat use and conflict drivers, and capacity-building programmes for local communities, forest managers, and mine developers to ensure effective conflict prevention and management.

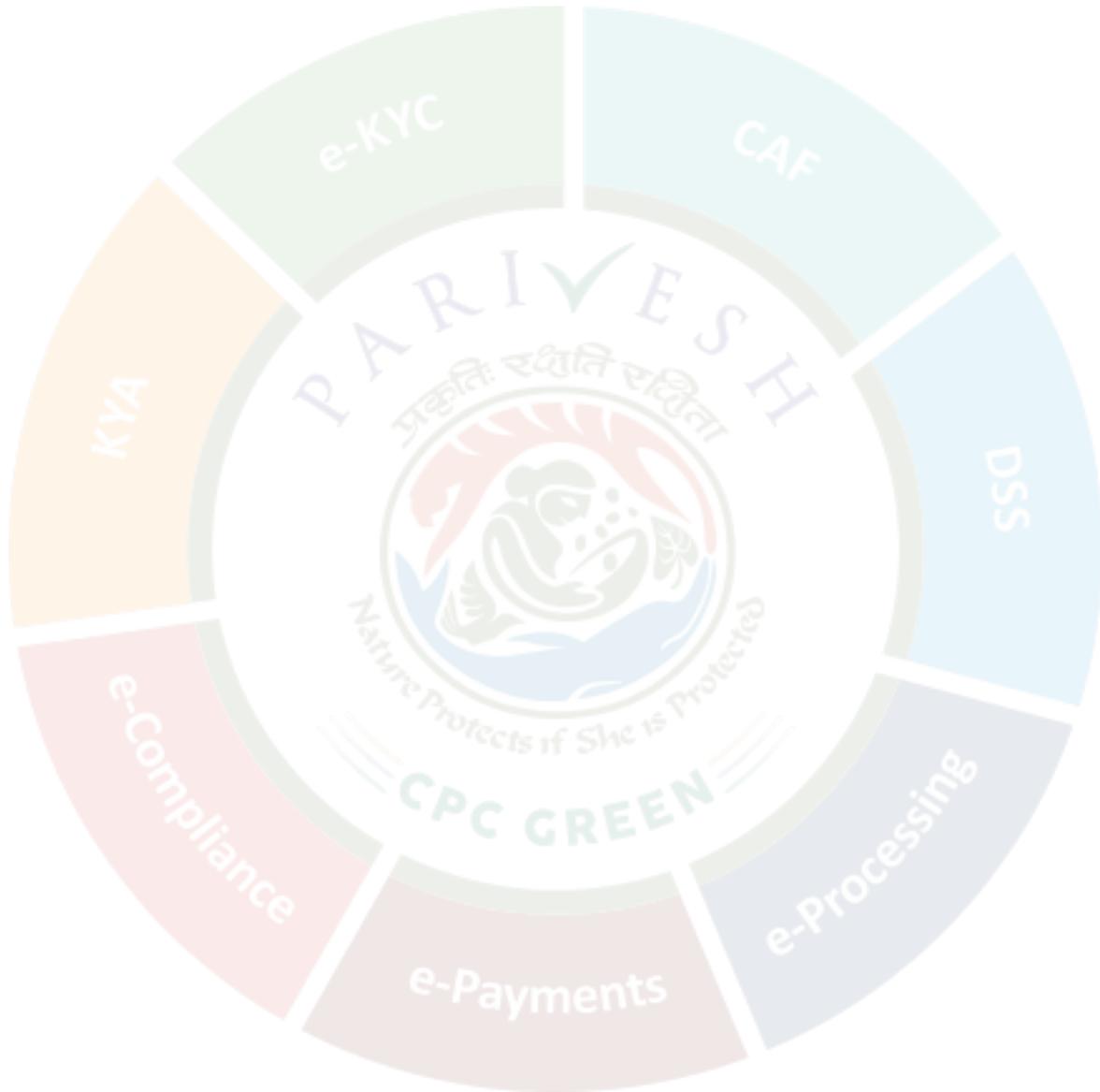
After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Copy To

1. The PCCF (HoFF), Department of Forest, Government of Odisha, Bhubaneswar;
2. The Deputy DGF (Central), Regional Office, MoEF&CC, Bhubaneswar;
3. The Nodal Officer, Department of Forest, Government of Odisha, Bhubaneswar;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF& CC, New Delhi for uploading on PARIVESH portal.

Your's faithfully

(Prashant Rajagopal)
Deputy Inspector General of Forest, MEF



Signature Not Verified

Digitally Signed by : Prashant Rajagopal
Assistant Inspector General/Scientist, MEF

Date: 31/12/2025





सत्यमेव जयते

Government of India

Ministry of Environment, Forest and Climate Change

Regional Office, Bhubaneswar



Online Proposal No.: **FP/OR/OTHERS/523366/2025**



Dated: **05/01/2026**

To,

The Addl. Chief Secretary,
Forest, Environment & Climate Change Department,
Government of Odisha,
Bhubaneswar-751 001

Subject: Stage-I/In-principle approval of Central Government under Section 2(1)(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 4.911 ha of forest land in favour of IDCO for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Division, Odisha.

Sir/Madam,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0025-2025-10894/FE&CC dated 09.05.2025, PCCF&HoFF, Odisha's letter No.11767/9F (Others)-343/2025 dated 29.05.2025, letter No.25316/9F(Others)-343/2025 dated 17.12.2025 and Online Proposal No. [FP/OR/OTHERS/523366/2025](#) on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under Section 2 (1)(ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval under Section 2(1)(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 4.911 ha of forest land for construction of access road from Sijimali Bauxite Mines (Hill Top) to SH-44 to facilitate bauxite transportation in Kashipur Tahasil of Rayagada District under Rayagada Forest Division applied by IDCO, subject to the fulfillment of the following conditions:

1. General Conditions

S. No	Conditions
1.1	Legal status of forest land proposed for diversion shall remain unchanged.
1.2	The user agency shall transfer online, the Net Present Value (NPV) of 4.911 ha forest

S. No	Conditions
	land being diverted under this proposal, as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2011-FC (Vol-I) dated 06.01.2022 and 22.03.2022. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
1.3	At the time of payment of Net Present Value (NPV) at the then prevailing rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
1.4	The Govt. non forest land of 6.07 ha identified in village Tingarjhol, Kalnara Tahasil of Rayagada District under Rayagada Forest Division for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department before handing over of forest land to the user agency by the State Government. The identified non-forest shall be notified as Protected Forest under Section 29 of the Indian Forest Act, 1927 or local forest Act. The Nodal Officer, after notification of such non forest land, shall upload a copy of said notification on the PARIVESH portal.
1.5	The user agency shall transfer the cost of raising and maintaining the compensatory afforestation and additional compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Schemes may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
1.6	The User Agency shall ensure that the Compensatory Afforestation (CA) sites are cleared of all encroachments prior to handing them over to the State Forest Department (SFD). The SFD shall, ensure that the CA sites are free from encroachments, properly fenced and duly planted at the cost of the User Agency.
1.7	Compensatory afforestation shall be raised over 6.07 ha of non forest land identified in village Tingarjhol under Kalnara Tahasil of Rayagada District under Rayagada Forest Division within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.
1.8	Additional Compensatory afforestation shall be raised over 5.00 ha of degraded forest land identified in Pedakonda Extn. RF under Rayagada Forest Division within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.
1.9	The species to be planted in the CA/Addl. CA schemes shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular

S. No	Conditions
	intervals.
1.10	The KML files of the area to be diverted and the CA/Addl. CA areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
1.11	All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (https://parivesh.nic.in/). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
1.12	The compliance report of the Stage-I approval shall be uploaded on e-portal (https://parivesh.nic.in/).
1.13	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
1.14	The boundary of the proposed forest land for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
1.15	The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
1.16	The Forest Department shall undertake plantation of tall indigenous tree species along both sides of the proposed road, at the cost of the User Agency, to mitigate dust pollution resulting from the movement of heavy vehicles associated with mining activities.
1.17	Considering that the proposed area features a medium slope and the road will be used by heavy vehicles, the User Agency shall implement appropriate engineering and safety measures to prevent soil erosion.
1.18	Overburden shall not be disposed beyond the designated road width. Muck generated from earth cuttings shall be fully utilized for filling works. Any excess muck shall be disposed strictly in accordance with a Muck Disposal Plan. No muck or debris shall be permitted to roll down hill slopes. The user agency shall submit an undertaking to this effect along with the compliance for final approval.
1.19	Retaining walls, breast walls, and drainage structures shall be constructed at appropriate locations to ensure slope stability and prevent erosion along the alignment.
1.20	The State Forest Department shall undertake comprehensive soil conservation measures at the CA sites, with the cost to be borne by the user agency.

S. No	Conditions
1.21	The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.
1.22	The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
1.23	The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
1.24	The designing of new culverts/bridges and redesigning the existing ones over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, so that it does not hamper movement of wild animals including fishes & amphibians migration.
1.25	Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
1.26	The user agency shall provide adequate under passes in wildlife areas/wildlife crossing, if any, for the safe movement of wildlife.
1.27	No labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
1.28	No additional or new path will be constructed inside the forest area for any activity related to the project work.
1.29	The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
1.30	The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
1.31	The forest land shall not be used for any purpose other than that specified in the proposal.
1.32	The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
1.33	No damage to the flora and fauna of the adjoining area shall be caused.

S. No	Conditions
1.34	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
1.35	The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.
1.36	Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
1.37	The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
1.38	Any other direction issued by the Ministry as a result of Hon'ble Supreme Court order will have bearing on this approval.
1.39	Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in Para 1.16 of Chapter 1 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

2. Standard conditions

3. Specific Conditions

After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

“The State Govt. or a Senior Office not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Govt. can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year (“**working permission**” means permission granted to linear project before final approval to mobilize the resources to commence the preliminary project work other than black topping). Such order shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), Wildlife conservation Plan, plantation of dwarf species of medicinal plants, and all other compensatory levies, specified in the Stage-I (in-principle) approval from the User Agency, and where ever applicable, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department, declaration of PF/RF and compliance of other statues including ST&OTFD (Recognition of Forest Rights) Act, 2006” as stipulated in Para 11.1 of Chapter-11 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

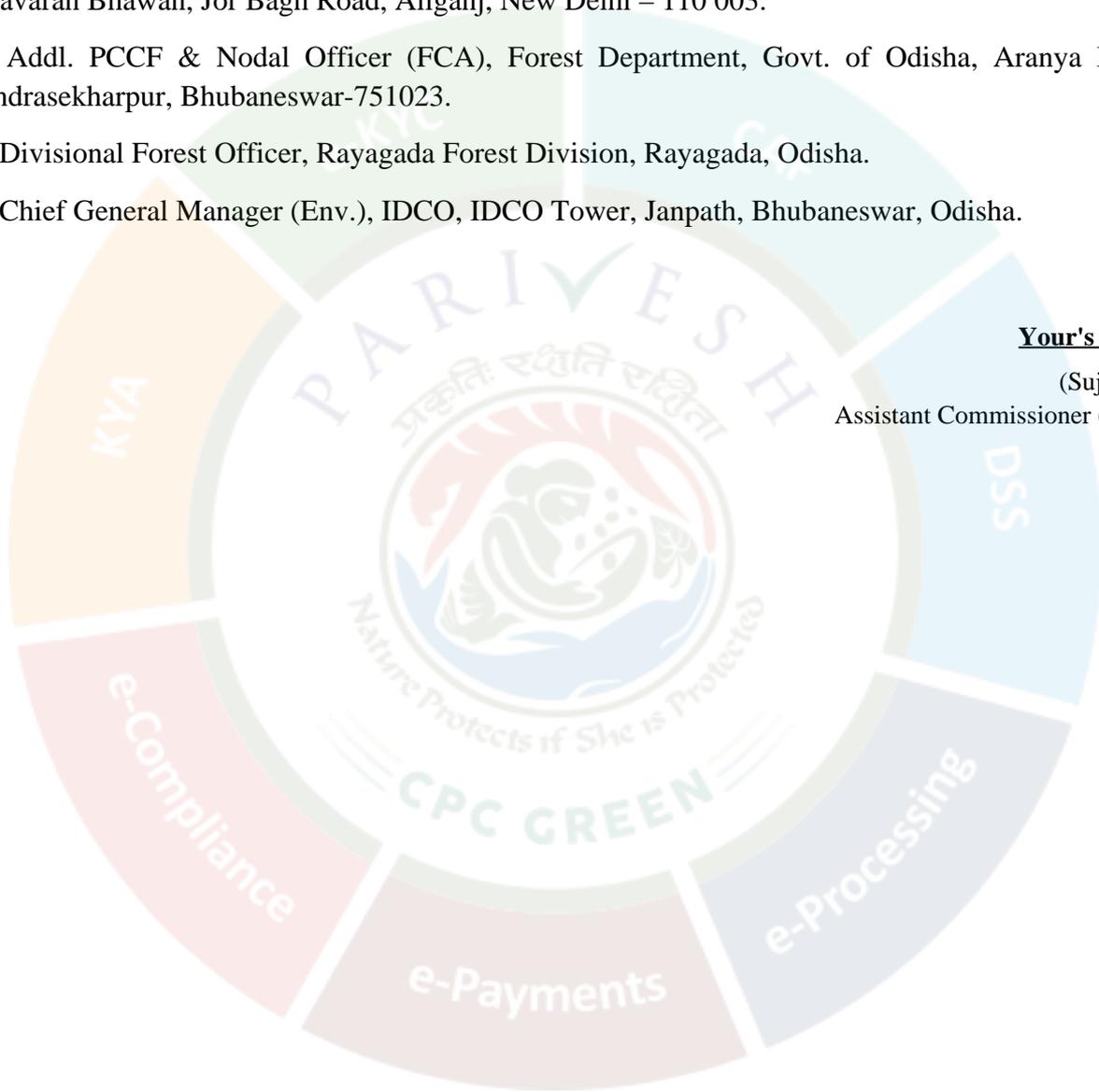
Copy To

1. The Chief Executive Officer, National Authority CAMPA, Ministry of Environment, Forest & Climate Change, 3rd Floor, Supreme Court Metro Station Building, New Delhi-110 001.
2. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indra Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110 003.
3. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
4. The Divisional Forest Officer, Rayagada Forest Division, Rayagada, Odisha.
5. The Chief General Manager (Env.), IDCO, IDCO Tower, Janpath, Bhubaneswar, Odisha.

Your's faithfully

(Sujoy Dutta)

Assistant Commissioner (Forestry)



Signature Not Verified

Digitally Signed by : Shri Sujoy Dutta
Technical Officer, IFO

Date: 05/01/2026

**BEFORE THE NATIONAL GREEN TRIBUNAL
NEW DELHI
(PRINCIPAL BENCH)**

APPEAL NO. 7/2012

- 1. Vimal Bhai**
Convener, Matu Jansangthan
D-334/10 Ganesh Nagar,
Pandav Nagar Complex, Delhi – 110092
- 2. Bharat Jhunjhunwala**
Lakshmoli, PO Maletha, Via Kirti Nagar,
District Tehri,
Uttarakhand – 249161

...Appellants

Versus

- 1. Union of India**
Through the Secretary
Ministry of Environment and Forests
Government of India
Paryavaran Bhawan, C.G.O. Complex,
Lodhi Road, New Delhi – 110003
- 2. State of Uttarakhand**
Through the Principal Secretary (Forests)
Civil Secretariat, Dehradun – 248001,
Uttarakhand
- 3. GMR Energy Limited**
Through Managing Director
Mira Corporate Suites
Block D, Second Floor,
Plot 1 & 2, Ishwar Nagar,
New Delhi – 110065

....Respondents

Counsel for Appellants:

Shri Ritwick Dutta, Advocate along with
Shri Rahul Chaudhary, Advocate

Counsel for Respondents:

Ms. Neelam Rathore, Advocate for R. 1 (MoEF)
Mr. Abhishek Atrey, Advocate for R. 2 (State of Uttarakhand)
Mr. A.D.N. Rao, Advocate for R. 3 (GMR (Badrinath) Hydro Power
Generation Pvt. Ltd.

JUDGEMENT**PRESENT:**

Justice A.S. Naidu (Acting Chairperson)
Dr. G.K. Pandey (Expert Member)

.....
 Dated 07th November, 2012

Shri Vimal Bhai claiming to be the convener of a social organization called Matu Jansanghthan and a social activist working for decades on environment and social issues in the middle of Himalaya region has approached this Tribunal, along with another, invoking jurisdiction under Section 16 (e) of the National Green Tribunal Act, 2010 (hereinafter called as **NGT Act**), and seeks to assail the communication dated 8th November,

2011 issued by the Government of India, Ministry of Environment and Forests (MoEF) according, Stage-I approval under Section 2 of the Forest Conservation Act, 1980 (hereinafter called as **FC Act**) for diversion of 60.513 hac. of forest land in favour of GMR Energy Limited for construction of Alaknanda Badrinath Hydro-Electric Project in Chamoli District of Uttarakhand, subject to fulfilling of certain conditions of environmental safeguards. The said letter (Annexure A – 1) was addressed to the Principal Secretary (Forests) Government of Uttarakhand, Dehradun. According to the Appellants, the Stage-I Forest Clearance granted by the MoEF is palpable, illegal and suffers from following infirmities:-

(i) The approval was granted without taking into consideration the recommendations of the Forest Advisory Committee (FAC). It is averred that the Forest Advisory Committee after considering all the facts and circumstances had come to the conclusion that prior approval under Section 2 of the FC Act, 1980 should not be accorded in favour of the project for use of forest lands for non-forest purpose.

(ii) Relying upon the report submitted by the Wildlife Institute of India (WII), it is averred that the diversion of forest land in the proposed site, would lead to severe fragmentation and degradation of the important wildlife habitats as well as habitats of RET species. The WII report it is stated reveals that the project in question is located in the buffer zone of the Nanda Devi Biosphere Reserve and the same will seriously hamper the movement of RET species like Snow Leopard and Brown Bear existing in the vicinity. The project shall also pose adverse effect on the ecology and bio-diversity and would cause irreparable and irreversible impact on the environment.

2. It appears that Appellants are aggrieved by the fact that the MoEF relied upon an interim report submitted by H.N.B. Garhwal, University, which was prepared at the instance of the project proponent so as to suit its purpose. It is averred that the said report was prepared by the expenses paid by the company and was in the nature of a critic to the report submitted by the WII.

3. In course of hearing a further affidavit was filed indicating that in the meanwhile the WII has submitted its final report

recommending therein for exclusion of the forest lands from the project mainly on the ground that the same are located within Alaknanda III sub-basin and the habitats of more than 250 birds including Indian white-backed vulture would be affected. Further, case of the Appellant is that the report prepared by the EIA Consultant Group of HNB Garhwal University and the report of IIT was not sent to the Forest Advisory Committee by the MoEF, thereby causing a dent in the decision making process. In short, according to the Appellants the decision to grant Forest Clearance without seeking any opinion from the Forest Advisory Committee is a clear case of bias and exhibits arbitrariness on the part of the MoEF.

4. After receiving notice, Respondents filed their replies, strongly repudiating the allegations made in the Memorandum of Appeal. In the respective replies the Respondent took the stand that the provision of the FC Act and Rules framed thereunder were sacrosanctly followed by the MoEF and submissions made to the contrary are unfounded. According to the Respondent the MoEF is the final authority to grant or refuse approval. The Forest Advisory Committee, as the name itself indicates, is required to

advise the MoEF, which may be agreed or disagreed by the latter. It is submitted that the report submitted by WII was only an interim report. The said report as well as the subsequent report submitted by WII has not been accepted by the MoEF as yet, and as such it has not attained finality. Respondents further submits that the decision was taken by the MoEF after due consideration of the prevalent circumstances and topography, thus the allegations made contrary are without any basis, and deserves no consideration.

5. The last but not the least contentions raised by the Respondents, is that the present Appeal is not maintainable under Section 16 (e) of the NGT Act and on that ground alone the same should be dismissed. A prayer is also made to consider the question of maintainability of the Appeal at the first instance, before going to the merits.

6. Heard Learned Counsel for the parties at length. As we propose to dispose of this case on the question of maintainability we refrain from entering into the merits of controversies raised by

different parties, and leave it open for the parties to raise the same if contingency arises.

Before entering into the arena of controversy, it would be proper to discuss relevant provisions of law on the point. Realising that rampant and indiscriminate deforestation, was the cause for ecological imbalances and the same would lead to environmental deterioration, the Legislature in order to check further deforestation promulgated FC Act, 1980. Section 2 of the said Act imposes restrictions on diversion of forest and restricts use of forest land for non-forest purposes. The said Section reads as follows:

Section 2: *“Restriction on the de-reservation of forests or use forest land for non-forest purpose.*

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in

force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest-land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest-land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation – For the purpose of this section, “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plant;

(b) any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and

wildlife, namely, the establishment of check-posts, fire lines, wireless communications and constructions of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes”.

It is evident that the FC Act, 1980, imposes a strict restriction upon deforestation and use of Forest lands for non-forest activities. It mandates that no State Government shall accord permission for use of any forest land for non-forest purpose without obtaining prior permission of the Central Government.

7. In the event a Project Proponent desires to use any forest lands for non-forest purpose, he has to file an application before the concerned State Government.

The said proposals are disposed of as under:-

- (i) *All proposals involving diversion/de-reservation of forest land up to 40 hectares, and proposals for clearing of naturally grown trees in forest area or portion thereof shall be sent by the concerned*

State/UT Government to the concerned Regional Officer of MoEF.

(ii) Chief Conservator of Forests of the concerned Regional office shall be competent to finally dispose of all proposals (including decision regarding violation of Act) involving diversion / de-reservation for forest land up to 5 hectare, except in respect of proposals for regularization of encroachments and mining (including renewal of mining leases). Similarly, proposals involving clearing of naturally grown trees in forest area or portion thereof for reforestation shall also be finally disposed of by the Chief Conservator of Forests of the concerned Regional Office, subject to guidelines / instructions issued in this regard (refer to para 1.8) and any other instructions issued from time to time.

(iii) In the absence of Chief Conservator of Forests, these powers shall be exercised by the concerned Conservator of Forests of the Regional Office in case

the post of Chief Conservator of Forests is vacant due to transfer, long leave, etc.

(iv) A list of cases finally disposed of and a list of cases rejected along with reasons thereof for rejection would be required to be sent every month to the MoEF by the Regional Office.

(v) (a) In respect of proposals involving diversion of forest area above 5 hectares and up to 40 hectares and all proposals for regularization of encroachments and mining up to 40 ha., the proposals shall be examined by the Regional Chief Conservator of Forests/ Conservator of Forests in consultation with the Advisory Group consisting of representatives of the State Government from Revenue Department, Forest Department, Planning and / or Finance Department and concerned Department whose proposal is being examined. The views of the Advisory Group shall be recorded by the

Regional Chief Conservator of Forests and along with the same, the proposal shall be sent to Secretary, MoEF for consideration and final decisions. It is to be clarified that views of this Advisory Group in no way shall be binding while deciding the proposal. The meeting of the Advisory Group may be held at the State Capital. The proposal will not be deferred for want of quorum.

(b) The meeting of the State Advisory Group (SAG) will normally be held once in a month at concerned State Capital. The Regional Chief Conservator of Forests shall act as Chairman of the Advisory Group and Nodal Officer may be nominated to work as Member Secretary of the State Advisory Group.

(c) State Government may take immediate steps to nominate representatives of the State Government not below the rank of Joint Secretary for the Advisory Group. Nodal Officer

may be nominated to work as Member Secretary of the State Advisory Group.

- (d) *The details of the officers along with addresses, telephone number, etc. may be directly communicated to the concerned Regional Chief Conservator of Forests under intimation to this Ministry to facilitate early processing of the proposals by the Advisory Group.*

Forestry clearance will be given in two Stages. In 1st Stage, proposal shall be agreed to in-principle in which usually the conditions relating to transfer, mutation and declaration as RF/ PF under the Indian Forest Act, 1927 of equivalent non-forest land for compensatory afforestation and funds for raising compensatory afforestation thereof are stipulated and after receipt of compliance report from the State Government in respect of the stipulated conditions, formal approval under the Act shall issued.”

The decision for granting approval by the Central Government are taken in exercise of the powers conferred under Section 2 of the FC Act.

8. Section 2 (A) of the NGT Act stipulates that if any person aggrieved, by an order or decision of the State Government or other authority made under Section 2, on or after the commencement of the NGT Act, 2010 (19 of 2010), has an option to file an appeal before the National Green Tribunal established under Section 3 of the NGT Act, 2010 (19 of 2010), in accordance with the provisions of that Act”.

9. The parameteria provision to Section 2 (A) of FC Act is Section 16 (e) of the NGT Act. The said section stipulates that any person aggrieved by an order or decision, made, on or after the commencement of NGT Act, 2010 by the **State Government or other authorities** under Section 2 of the FC Act, 1980, may within a period of 30 days from the date on which the order or decision or direction or determination is **communicated to him** prefer an appeal to the Tribunal.

The sole contention raised by the Respondents in the case in hand is that the impugned order dated 08th November, 2011 having not being passed by the State Government nor by any authority cannot be assailed in this Appeal.

10. Perusal of the impugned order reveals that after careful consideration of the proposal of the State Government of Uttarakhand, the Central Government by order dated 08th November, 2011, accorded in-principle Stage-I approval under the FC Act, 1980 for diversion for 60.513 hac. of forest land in favour of GMR Energy Limited, for construction of Alaknanda Badrinath Hydro-Electric Project at Chamoli District of Uttarakhand subject to fulfillment of other conditions stipulated in the order.

In the aforesaid scenario of facts the mute question which arises for consideration is, as to whether an Appeal lies against the order of the MoEF granting Stage – I Forest Clearance, under Section 2 (A) of FC Act or Section 16 (e) of the NGT Act.

11. Mr. A.D.N. Rao, learned Counsel appearing for Respondent No. 3 drew attention of this Tribunal to Section 2 (A) of the FC Act, 1980 as well as Section 16 (e) of the NGT Act, 2010 and

submitted that an Appeal is prescribed under those two Acts only against an order or decision passed by the State Government or other authority. Expanding his arguments Mr. Rao submitted that under the provision of the aforesaid two Acts, a person aggrieved by the order passed under Section 2 of FC Act by the State Government or any other authority can file an Appeal. Further according to Mr. Rao neither Section 16 (e) of the NGT Act, 2010, nor Section 2(A) of the FC Act, 1980 provide for or contemplates an Appeal against an order passed by the Central Government. The Legislature on its wisdom having consciously and specifically omitted the word “Central Government” in both the Sections i.e. Section 2 (A) of FC Act and 16 (e) of NGT Act, 2010, and such intention of the Legislature being clear and unambiguous, no contrary view can be taken by this Tribunal which is a creature under the Statute.

12. A cogent reading of NGT Act as well as FC Act, reveals that the word “Central Government”, “State Government” and “other authority” has been distinctly used in different Sections. Thus the words Central Government cannot include within the words ‘**Authority**’. Relying upon G.S.R. 94 (e) dated 3.2.2004, Mr. Rao

submitted that sub-rule 2 clauses (c) (d) under Rule 6(III) of G.S.R. contemplates that **'or the other authority'** should be substituted by words **'or the Union Territory Administration'** as and where required. In the light of the above Rule, it is submitted that the word **'other authority'** used in Section 16 (e) of the NGT Act, and Section 2 (A) of the FC Act, 1980 can be referred or substituted by words "Union Territory Administration". In short according to Mr. Rao both Sections 16(e) of the NGT Act and FC Act, 1980 provide for an Appeal to the Tribunal only against an order passed by the State Government or Union Territory Administration and thus no Appeal is contemplated by the Legislature against any order passed by the Central Government or MoEF. The order impugned, having not been passed either by the State Government or the Union Territory Administration, the same cannot be assailed by filing an Appeal before this Tribunal, and this Appeal is liable to be dismissed as not maintainable, on that ground alone.

13. Provisions of Indian Forest Act and FC Act, 1980 read together leads an irresistible conclusion that the permission for carrying out any of the activities mentioned in Sections 5 and 26

of the Indian Forest Act can be granted by the State Government only upon the formulation of Rules contemplated under Section 32 of the Indian Forest Act. Though the activities mentioned in Section 2 of the FC Act, 1980 can be carried only after obtaining prior permission of the Central Government, the authority for granting such permission still continues to be the State Government and not the Central Government. That apart a cause of action accrues upon an aggrieved party only when the necessary orders to transfer forest lands are issued by the State Government and not before that. Thus, according to Mr. Rao an Appeal under Section 2(A) of the FC or Section 16 (e) of NGT Act can be filed before this Tribunal only against an order passed by the State Government and not against the order granting in-principal approval, which is commonly called as Stage – I approval, granted by the Central Government or Stage – II approval granted after compliance of the conditions imposed in Stage – I approval. In other words the Central Government is only a sanctioning authority, whereas the actual power to accord approval for conversion of Forest lands for non-forest purpose still lies with the respective State Government.

14. Ms. Neelam Rathore, learned Counsel appearing for the MoEF supported the stand taken by Respondent No. 3. According to her the provisions of Section 2 of the FC Act makes it clear that the role of the Central Government is limited only to granting a prior approval/permission. The Legislature has clearly defined the role of the Central Government and as there is no provision to assail any order passed by the Central Government by filing an Appeal before this Tribunal, the present Appeal cannot be entertained. In other words, according to Ms. Rathore, Section 2 (A) of the FC Act cannot be interpreted to include “Central Government” within its ambit and scope, and that the words other authorities do not engulf the Central Government within its scope and ambit. Section 16 of the NGT Act more particularly Section 16 (e) also envisages and grants opportunity to any person aggrieved by an order passed under Section 2 of the FC Act by the State Government or other authorities, to file an Appeal before this Tribunal. The said Section excludes the sanctions/approvals granted by the Central Government from the purview of Appeal. The approval of the Central Government under Section 2 of the

FC Act, 1980 is precursor to passing of an order by the State Government or other Authority and if a person is aggrieved by the said latter order, he can approach this Tribunal either under Section 16 (e) of the NGT Act or Section 2 (A) of the FC Act, 1980.

15. Repudiating the contentions raised by the MoEF and Respondent No. 3, Mr. Ritwick Dutta, learned Counsel appearing for the Appellant submitted that under the provisions of FC Act the only decision making authority is the Central Government. Bereft of an order of approval passed by the Central Government, granting forest clearance, no diversion of forest land can be made. It is submitted by Mr. Dutta, that the powers of the State Government is limited to submission of proposals only, whereas the, decision making power for granting forest clearance completely lies with the Central Government and therefore the State Government or other authority cannot be called as the decision making body within the meaning of Section 2 of the FC Act and an Appeal under Section 2 (A) can only be filed against the decision of the Central Government permitting diversion of forest land, the intention of the Legislature cannot be otherwise.

16. Further, according to Mr. Dutta the Courts have the power to iron out the creases and to remove ambiguity and give full effect to the intention of the Legislature. In support of such submission he relied upon the decision of the Supreme Court in the case of **Nathi Devi v. Radha Devi Gupta, (2005) 2 SCC 27**. In the said decision the Hon'ble Supreme Court observed as follows:

“The interpretative function of the Court is to discover the true legislative intent. It is trite that in interpreting a Statute the Court must, if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, give to the words that meaning, irrespective for the consequences. Those words must be expounded in their natural ordinary sense. When a language is plain and unambiguous and admits of only one meaning no question of construction of statute arises, for the Act speaks for itself. Courts are not concerned with the policy involved or that the results are injurious or otherwise, which may follow from giving effect to the language used. If the words used are capable of one construction only then it would not be open to the Courts to

adopt any other hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In considering whether there is ambiguity, the Court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconditional.”

17. In the case in hand, the Legislature has used the phrase “State Government and any other authority” in Section 16 (e) of NGT Act and Section 2 (A) of the FC Act, for the purpose of providing an Appeal against the diversion of forest land for non forest uses. According to Mr. Dutta since the decision to divert forest land has to be taken by the Central Government, on the basis of the recommendation of the Forest Advisory Committee, the purpose of the said Section would become nugatory if the appeal is confined only to the orders passed by the State Government which are more less ministerial in nature and are consequential to the orders passed by Central Government.

Further, the State Government has the power only to make a proposal to the Central Government for diversion of forest land and cannot take a decision under Section 2 of the FC Act, the permission granted or clearance accorded by the Central Government would be binding upon the State Government, thus, the decision that has to be assailed is that of the Central Government and not of the State Government. In other words according to Mr. Dutta the State Government is only a recommending authority whereas the Central Government is the authority vested with the power to accord approval, as such if the final order granting approval by the Central Government is not assailed the purpose of the Act would be frustrated.

18. The NGT Act, according to Mr. Dutta was constituted to provide a full-fledged redressal to a person who is aggrieved by any act, commission or omission of the authorities by which the environment is effected. Diversion of forest land for non forest uses has severe effect on the ecology/bio-diversity and the environment, therefore, the Legislature has provided the remedy of an Appeal against an order passed under Section 2 of the FC Act,

dealing with diversion of forest land. Since the Central Government is the primary decision making authority, under no stretch of imagination it can be argued that against the decision taken by the Central Government no Appeal lies. Such an argument according to Mr. Dutta would not only be contrary to the letter and spirit of the NGT Act and FC Act, but also contrary to the interest of general public. Such a narrow construction would also render the decision or orders passed by the Central Government, virtually non assailable thereby vesting an unbridled power upon the said Respondent.

19. We have heard learned Counsel for parties at length. We have also perused different provisions of NGT Act and FC Act meticulously. We have considered the pleading of the parties consciously. It is well settled law that while interpreting a Statute effort should be made to give effect to each and every word used by the Legislature. It should be always presumed that the Legislature inserted every word in the Statute for a purpose and legislative intention is that every part of the Statute should have a meaningful effect. A construction which attributes redundancy to the Legislation should not be expected, except for compelling

reasons such as obvious drafting errors (see **State of U.P. and others Vs. Vijay Anand Maharaj : AIR 1963 SC 946**)

20. In the case of **P.K. Unni v. Nirmala Industries and Ors. (1990) 2 SCC 378**, the Hon'ble Supreme Court held:-

“Where the language of the Statute leads to manifest contradiction of the apparent purpose of the enactment, the Court can, of course, adopt a construction which will carry out the obvious intention of the Legislature. In doing so “a judge must not alter the material of which the Act is woven, but he can and should iron out the creases”.

On the touchstone of the legal position enunciated above and admitted facts, we proposed to answer the question posed, i.e. whether an Appeal lies against the impugned order passed by the MoEF granting in principle Stage – I Forest Clearance.

Right of appeal is statutory, and no one inherits it. When conferred by statute it becomes a vested right. In this regard there is essential distinction between right of appeal and right to suit. Where there is inherent right in every person to file a suit and

for its maintainability it requires no authority of law, appeal requires so.

21. Section 2(A) of the FC Act as well as Section 16(e) of the NGT Act clearly stipulates that an order or decision made by the **State Government or other authority** passed under Section 2 of the FC Act 1980 can be assailed by filing an Appeal before this Tribunal.

Section 2 of the FC Act, 1980 deals with restrictions or de-reservation of forest or use of forest land for non-forestry purpose. The said section starts with a non-obstante clause and stipulates that notwithstanding anything contained in any other law no State Government or other authority shall pass, except with the prior approval of the Central Government, any order directing de-reservation of any forest land for any non forest purpose, lease out any forest land to a person or authority, corporation, agency etc. and/or permit deforestation of any forest land for the purpose of using it for cultivation of tea, coffee, spices, rubber etc. or for any other purpose other than reforestation. The said Section therefore curtails the power of the State Government from leasing

out or otherwise permitting use of forest land for non forest purpose, without obtaining prior permission of the Central Government.

22. The questions now arises as to whether the approval granted by the Central Government under Section 2 of the FC Act granting in-principle sanction can be assailed by filing an Appeal, the said order not being the final allotment order. The language of the Section stipulates that before permitting user of forest land for non-forest purposes, the State Government has to obtained prior approval of the Central Government, thus there is no ambiguity that the State Government is the authority to grant permission for use of forest land for non-forest purpose, but then such permission can be granted only after the Central Government accords approval. Further a right to use the forest land for non-forest purpose accrues only after the State Government passes the order, and not from the date of granting Stage – I or Stage – II Clearance.

There is no ambiguity in the proposition that a person aggrieved by any action of the instrumentalities of the State or

Central Government should have a right to assail the same before competent forum.

23. It is no more *res-integra* that an Appeal is a creation of a Statute and it cannot be created by acquiescence of the parties or by the order of the Court. The findings of a Court or a Tribunal becomes irrelevant and unforceable/ inexecutable once the Forum is found to have no jurisdiction, as doctrine of nullity will come into operation (see **State of Gujrata v. Rajesh Chiman Kal Barat (1996) 5 SCC 477**). Further, there is also no quarrel to the legal proposition that right to Appeal is neither an absolute nor an ingredient of natural justice and the Legislature can put conditions for maintaining the same. **In the case of Vijay Prakash D. Mehta & Jawahar D. Mehta vs. Collector of Customs (Preventive), Bombay, AIR 1988 SC 2010**, the Apex Court held as under:-

“Right to appeal is neither an absolute right nor an ingredient of natural justice, the principles of which must be followed in all judicial or quasi-judicial adjudications. The right to appeal is a statutory right and it can be circumscribed by the conditions in the grant.....The

purpose of the Section is to act in terrorem to make the people comply with the provisions of law”.

24. In the case of **Nand Lal v. State of Haryana and Ors. AIR 1980 SC 2097**, it was held that “*right of appeal is a creature of Statute and there is no reason why the Legislature, while granting the right, cannot impose conditions for the exercise of such right so long as the conditions are not so onerous as to amount to unreasonable restrictions rendering the right almost illusory*”.

25. It is well settled principle in law that the Court cannot read anything into a statutory provision which is plain and unambiguous. A statute is an edict of the Legislature. The language employed in a statute is the determinative factor of legislative intent. Words and phrases are symbols that stimulate mental references to referents. The object of interpreting a statute is to ascertain the intention of the Legislature enacting it. **(See Institute of Chartered Accountants of India v. M/s Price Waterhouse and Anr. (AIR 1998 SC 74))** The intention of the Legislature is primarily to be gathered from the language used, which means that attention should be paid to what has been said

as also to what has not been said. As a consequence, a construction which requires for its support, addition or substitution of words or which results in rejection of words as meaningless has to be avoided. As observed in **Crawford v. Spooner (1846 (6) Moore PC 1)**, Courts, cannot aid the Legislatures' defective phrasing of an Act, we cannot add or mend, and by construction make up deficiencies which are left there. **(See The State of Gujarat and Ors. v. Dilipbhai Nathjibhai Patel and Anr. (JT 1998 (2) SC 253))**.

26. It is contrary to all rules of construction to read words into an Act unless it is absolutely necessary to do so. **(See Stock v. Frank Jones (Tiptan) Ltd. (1978 1 All ER 948 (HL))**. Rules of interpretation do not permit Courts to do so, unless the provision as it stands is meaningless or of doubtful meaning. Courts are not entitled to read words into an Act of Parliament unless clear reason for it is to be found within the four corners of the Act itself. **(Per Lord Loreburn L.C. in Vickers Sons and Maxim Ltd. v. Evans (1910) AC 445 (HL), quoted in Jamma Masjid, Mercara v. Kodimaniandra Deviah and Ors. (AIR 1962 SC 847)**.

The question is not what may be supposed and has been intended but what has been said. "Statutes should be construed not as theorems of Euclid", Judge Learned Hand said, "but words must be construed with some imagination of the purposes which lie behind them". (See **Lenigh Valley Coal Co. v. Yensavage 218 FR 547**). The view was re-iterated in **Union of India and Ors. v. Filip Tiago De Gama of Vedem Vasco De Gama (AIR 1990 SC 981)**.

27. In **Dr. R. Venkatchalam and Ors. etc. v. Dy. Transport Commissioner and Ors. etc. (AIR 1977 SC 842)**, it was observed that Courts must avoid the danger of apriori determination of the meaning of a provision based on their own pre-conceived notions of ideological structure or scheme into which the provision to be interpreted is somewhat fitted. They are not entitled to usurp legislative function under the disguise of interpretation.

While interpreting a provision the Court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to

amend, modify or repeal it, if deemed necessary. (**See Commissioner of Sales Tax, M.P. v. Popular Trading Company, Ujjain (2000 (5) SCC 515)**). The legislative *casus omissus* cannot be supplied by judicial interpretative process.

Two principles of construction one relating to *casus omissus* and the other in regard to reading the statute as a whole appear to be well settled. Under the first principle a *casus omissus* cannot be supplied by the Court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a *casus omissus* should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the Legislature. "An intention to produce an unreasonable result", said **Danackwerts, L.J. in Artemiou v.**

Procopiou (1966 1 QB 878), "is not to be imputed to a statute if there is some other construction available".

28. "Appeal", is defined in the Oxford Dictionary, volume I, page 398, as the transference of a case from an inferior to a higher Court or tribunal in the hope of reversing or modifying the decision of the former. In the Law Dictionary by Sweet, the term "appeal" is defined as a proceeding taken to rectify an erroneous decision of a Court by submitting the question to a higher Court or Court of appeal, and it is added that the term, therefore, includes, in addition to the proceedings specifically so called, the cases stated for the opinion of the Queen's Bench Division and the Court of Crown Cases reserved, and proceedings in error. In the Law Dictionary by Bouvier an appeal is defined as the removal of a case from a Court of inferior to one of superior jurisdiction for the purpose of obtaining a review and re-trial, and it is explained that in its technical sense it differs from a writ of error in this, that it subjects both the law and the facts to a review and re-trial, while the latter is a Common Law process which involves matter of law only for re-examination; it is added, however, that the term "appeal" is used in a comprehensive sense so as to include both

what is described technically as an appeal and also the common law writ of error. (See – **Shiv Shakti Coop. Housing Society v. M/s Swaraj Developers & Others (2003) 6 SCC – 659**)

The discussions made above leaves no doubt in our mind that an Appeal flows from a Statute and if the Statute does not provide an Appeal against a specific order, no Appeal can be entertained.

29. Cumulative reading of Section 2 (A) of the FC Act and 16(e) of the NGT Act, leads to an irresistible conclusion that under the said Sections an Appeal is provided for only against an order passed by the **State Government or other authorities**. In other words, the Legislature in its wisdom has kept the order of approval/clearance passed by the Central Government under FC Act beyond the scope of Appeal.

30. However, a party cannot be remediless, a person who is aggrieved by the Approval/Clearance granted by the Central Government has to avail an opportunity to assail the same. In the aforesaid scenario it can safely be concluded that after receiving a Stage – I and/or Stage – II Clearance, thereby granting a consent

to permit use of forest land for non-forest purposes, from the Central Government, it is incumbent upon the State Government to pass a reasoned order transferring and/or allowing the land in question for being used for non forest purpose. It is needless to be said that bereft of such order no forest lands can be put to use for non-forest purpose. Further, all activities done without such orders would be *ab initio void*. An Appeal can be filed against the said order of the State Government under Section 2 (A) of FC Act and/or under Section 16 (e) of the NGT Act. In the event such an Appeal is filed it would be open for the person aggrieved, to assail the order/Clearances granted by the Central Government under Section 2 of the Act which forms an integral part and sole basis of the order passed by the State Government.

31. We are surprised to find that most of the State Governments do not pass separate orders in the light of the basic requirement of Section 2 of the FC Act as explained above thereby creating an embargo and depriving a person aggrieved from filing an Appeal. Section 2 of the FC Act, mandates that as and when the State Government decides to permit use of the Forest land for non forest purpose, it has to pass order to that effect. The said order

along with the conditions imposed by the Central Government according Stage – I and Stage – II Clearance is mandatorily required to be displayed in the website. A copy of the order should also be sent to the MoEF forthwith. After receiving the copy of the order MoEF is also required to upload the same in its website so as to make the entire transactions transparent and bring it to public domain or Government portal and to enable any person aggrieved by the order passed under the provision of Section 2 of the FC Act, to approach this Tribunal in consonance with Section 2 (A) for FC Act or Section 16 (e) of the NGT Act.

32. Apart from the said action the State Government should also insist that the Project Proponent should publish the entire forest clearances granted in verbatim along with the conditions and safe-guards imposed by the Central Government in Stage – I Forest Clearance in two widely circulated daily newspapers one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project Proponent for use of forest land for non-forest purposes. The cause of action for filing an Appeal would commence only from the date when such publication is made in

the newspapers, as well as from the date when the forest clearance and permission to use the Forest land for non-forest purpose is displayed in the website of the concerned State Government or the MoEF, as the case may be. The copies of the Forest Clearance should also be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.

33. In view of the discussions made above and reasons assigned we come to the conclusion that the order dated 08th November, 2011 (Annexure A/1), according Stage – I Forest Clearance cannot be assailed by filing an Appeal at this stage and as such the present Appeal is premature and has to be dismissed. Liberty is however granted to the Appellants to prefer an Appeal as and when the State Government passes the final order, permitting the Project Proponent to use the Forest land for non-forest purpose, if they feel aggrieved. In the event such an Appeal is filed, it would be open for the said Appellants to raise all the points which have been raised in the present Appeal and also

other points which would be available to them in law and also bring to the notice the infirmities/ omissions and commissions committed by the MoEF (Central Government) while granting Stage – I and Stage – II forest clearances.

34. The MoEF is directed to issue necessary Notification, stream lining the procedure to be adopted by the State Government and other Authorities for passing orders/decision for granting Forest Clearance under Section 2 of the FC Act, as well as the modalities for communicating the said order in the Public domain on Government portal.

With the directions and observations made in the preceding paragraphs the Appeal stands disposed of. Parties to bear their own cost.

Dr. G.K Pandey
Expert Member

Justice A.S. Naidu
Acting Chairperson